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# Legislature of Ontario Debates

## ESTIMATES, PROVINCIAL SECRETARIAT FOR JUSTICE

Standing Administration of Justice  
Committee

Chairman: Mr. J. A. Taylor

OFFICIAL REPORT — DAILY EDITION

Fourth Session of the Twenty-Ninth Legislature

Thursday, April 11, 1974

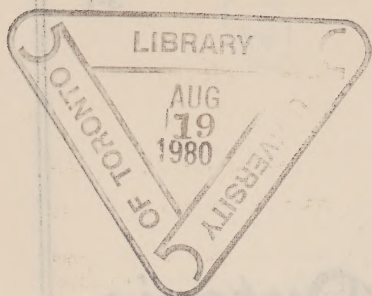
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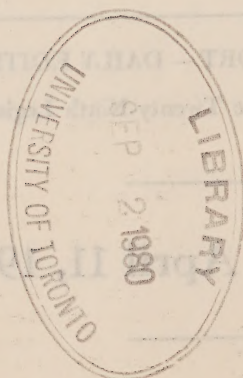
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### ESTIMATES, PROVINCIAL SECRETARIAT FOR JUSTICE

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# LEGISLATIVE ASSEMBLY OF ONTARIO

THURSDAY, APRIL 11, 1974

The committee met at 3:20 o'clock, p.m., in committee room No. 1.

## ESTIMATES, PROVINCIAL SECRETARIAT FOR JUSTICE

**Mr. Chairman:** Do you have an opening statement, Mr. Minister?

**Hon. R. Welch** (Provincial Secretary for Justice): Mr. Chairman and members of the committee, I would simply like to submit for the consideration of this committee, the estimates for the Justice policy field in the amount of \$419,000.

I have no opening remarks but would be very happy to respond to questions in connection with these estimates and, indeed, would welcome any discussion with respect to the work within the jurisdiction of the policy field.

On the conclusion of these estimates, Mr. Chairman, it was particularly our intention to proceed with the estimates of the Ministry of the Attorney General.

**Mr. V. M. Singer** (Downsview): Mr. Chairman.

**Mr. Chairman:** Yes, Mr. Singer.

**Mr. Singer:** Mr. Chairman, I have very grave doubts as to whether or not we should vote even \$1 for these estimates this year.

**Mr. P. D. Lawlor** (Lakeshore): We're starting out right, anyhow.

**An hon. member:** How about 50 cents?

**Mr. Singer:** I had occasion to look at some of the COGP reports and perhaps I could quote to you the relevant sections. Reading from interim report No. 3, page 17:

Therefore as an extension to the recommendations made in previous reports, we now recommend that:

Policy ministers without operating responsibilities be appointed to devote full-time attention to setting priorities, to providing leadership in policy development, and to co-ordinating related programmes of government within their respective policy fields.

I repeat and underline "without operating responsibilities."

And perhaps, Mr. Chairman, as well, since we're going to talk for a minute or two about COGP. I'm looking now at report No. 10, a summary, which says on page 6:

We have therefore reached the conclusion that a new kind of minister was needed. One who would be completely free of the responsibilities and burdens of a chief executive of a department. Called provincial secretaries, they would provide leadership in the development of policy for those reasonably separate and distinct areas of public affairs arranged into policy fields.

Thus, two types of minister were envisaged—provincial secretaries and ministers with programme responsibility.

There would be no reporting relationship between a provincial secretary and the other ministers within a particular policy field. Indeed, a provincial secretary would not have responsibility for, nor control over, a minister's programme management or his policy proposals.

I somehow gathered the impression that for the last few years we were apparently operating within the parameters set down by COGP. As I read those sections, and there are many others, it would seem to me that what we now have before us flies directly in the teeth of, in the face of, and is an absolute contradiction of the recommendations of COGP.

In other words, what COGP recommended was that a provincial policy secretary must be distinct and separate from an operating minister. The policy secretary was supposed to be one who sat back and ruminated. He was supposed to come forward with all sorts of ideas. The Justice policy secretary was going to be responsible for a half a dozen related ministries and he was going to think deeply about policies that might affect them. He was going to come forward with a series of ideas. That, apparently, was the policy of the government of Ontario.

I did suggest during the Throne Speech debate that it's obvious that the policy has died and I suggested to the Premier (Mr.

Davis) that he give it a decent burial. Unfortunately, the Premier didn't happen to be in the House at that time. Whether he has had a chance to read my words of wisdom as enshrined in Hansard, I don't really know. But it seems to me, since his policies of appointments have flown completely in the face of the COGP reports, that perhaps the time has come in this committee to do the job that has been done in all except words and the allocation of finances.

Let me expand a bit further on that. Look at the estimates or the moneys asked for on page 18 and the comparative figures for earlier years. Let's go back to 1973-1974 and compare it with 1974-1975.

In 1973-1974, there was an estimate of \$358,000. We haven't got an actual expenditure. The actual expenditure is a year earlier. What the actual expenditure for 1973-1974 was, I don't know, but certainly from that amount of \$358,000 which was the amount voted, it would seem to me that there had to be substantial reductions then, because we didn't have, unless there is something going on that I don't know about, a separate ministerial salary.

It may be that the Attorney General and Provincial Secretary for Justice is drawing two salaries and there are two statutory amounts quoted here. If he is, then that is wrong, and it would come as a surprise to me and probably as a surprise to him. At least you can start with that. That salary is not there—

Hon. Mr. Welch: That would surprise me.

Mr. Singer: Yes. Plus the supporting staff that he would have, secretaries and administrative assistants, and so on. I don't know how many dollars all that would add up to, but I would venture to guess that that duplication is not taking place, even though it might be anticipated in the estimates. The strength of his supporting staff which would include, as I say, all of these other people, is eliminated.

Then, of course, there is the problem of the deputy minister. The deputy minister it seems, if you believe the press, has been removed hence — although he is here this afternoon — and sent somewhere else. It doesn't appear that there is any great anxiety to appoint a new deputy minister; nor do I see why there should be. The former deputy Provincial Secretary for Justice, Mr. Dick, is, I am sure, going to carry out a very useful and productive job in his new position and I would be surprised if that position is filled again.

I don't see any sense in expecting that there is going to be a duplication. The Attorney General, if he is going to carry on with both titles, surely can cover all of the expenses of his title as Provincial Secretary for Justice in the estimates that he is asking for as Attorney General. Therefore, Mr. Chairman, it would seem to me that the request for \$419,000, rather than being a reduction in keeping with what has actually happened, is an extension and is totally and entirely unjustified.

I would therefore move at this time that the estimates of the Justice policy programme be reduced to the sum of \$1, and in so doing I am fully cognizant and aware of the fact and designedly move the motion so that at least there will be some recognition somewhere that the idea put forward by the COGP has, in fact, been abandoned. If the minister is going to argue that it hasn't, then I would like to have him justify the absolute contradictions that one man holding these two titles must face in view of the specific recommendations of COGP which I read earlier.

Mr. Chairman: Thank you, Mr. Singer. Mr. Lawlor, would you like to make a statement?

Mr. Lawlor: Thank you very much, Mr. Chairman.

Mr. Chairman: I presume in your statement you will take into consideration the intelligence of the existing minister, which may have been neglected.

Mr. Lawlor: I have taken that very much into consideration and therefore I have—

Hon. Mr. Welch: That is what worries me, "existing minister."

Mr. Lawlor: I won't continue. At the moment I am completely in accord with Mr. Singer on the \$1 bit and we shall no doubt drive it to a vote unless the minister can—which is extremely doubtful, I suspect—ab initio give any reasonable, or even unreasonable, justification for his ensconcement where he is this afternoon.

As is my wont, Mr. Chairman, I would like to lead off these estimates this year with a comprehensive review, if such it will be, of what this legal stuff is all about and what we are engaged with here in a secretariat which has the purview and overview of the whole legal paraphernalia in a stricter sense of the term for the government of the day.

I came across a few weeks ago a statement by a very famous lawyer and economist in the United States called Thurman W. Arnold whom, the member for Downsville will remember, had written a book about "The Folklore of Capitalism" about 45 years ago. I would like to have this on the record. Arnold says:

The thing which we reverently call law when we are talking about governments generally and not predicting the results of particular lawsuits, can only be properly described as an attitude or a way of thinking about government. It is a way of writing about human institutions in terms of ideals rather than observed facts. It meets a deep-seated popular demand that government institutions symbolize a beautiful dream within the confines of which principles operate independently of individuals. The fact that today as a necessary gesture towards a new habit of thought the law is dressed up to look like a science does not change it as a way of thought.

Of course, there are countless rules, institutional habits and various kinds of social compulsions in our society. These are often called law. It's not with these we are dealing when we study law in western civilization. The fundamental principles of law do not represent what we do, but what we ought to do. Science of law is not the method which judges actually use but the method that they ought to use. It is a sort of heaven which man has created for himself and earned.

It is a characteristic of all paradises that they should be different from what we actually experience in everyday affairs. Otherwise, there would be no object in creating them, and therefore, no one should be surprised because there is so little similarity between the ideals of the law and what the courts actually do and what governments do. It is a part of the function of law to give recognition to ideals representing the exact opposite of established conduct. Most of its complications arise from the necessity of pretending to do one thing while actually doing another. It develops the structure of an elaborate dream world where logic creates justice. It permits us to look at the drab cruelties of business practices through rose-coloured spectacles.

From any objective point of view, the escape of the law from reality constitutes not its weakness but its greatest strength. Legal institutions must constantly recon-

cile ideological conflicts just as individuals reconcile them by showing inconsistencies into a sort of institutional subconscious mind. If judicial institutions become too sincere, too self-analytical, they suffer the fate of ineffectiveness which is the lot of all self-analytical people. They lose themselves in words and fail in action. They lack that sincere fanaticism out of which great governmental forces are welded.

And I'm sure this minister, of all ministers, who has occupied such a plethora of positions, knows all about a sincere fanaticism. By reason of that, and very little else that I can see, they have remained in office so long—the fanaticism being to remain in office so long. To continue from Arnold:

The institutions which throw about the law that atmosphere of reality and concreteness so necessary for its acceptance are the court and the law school. One produces the ceremonial, ritualistic trial. The other produces the theoretical literature which defends the ideal from attack by absorbing and weaving into its mystical pattern all the ideas of all the critics. In other words, trials today are the products of courts. Books are the products of law schools.

As we have shown, the law consists of a large number of mutually contradictory symbols and ideals. An official admission by a judicial institution that it was moving in all directions at once in order to set aside conflicting emotional values of the people which it served would be unthinkable.

In the science of jurisprudence all of the various ideals which are significant to the man on the street must be given a place. It must prove that the law is certain and, at the same time, elastic; that it is just and yet it is benevolent; economically sound, yet morally logical. It must show that law can be dignified and solemn and, at the same time, efficient, universal or fundamental, and a set of particular directions. Jurisprudence must give place to all of the economic and also the ethical notions of important competing groups within our society, no matter how far apart these notions may be. In its method, it must make gestures of recognition to the techniques of each separate branch of learning which claims to have any relation with the conduct of individuals, no matter how different these techniques may be.

I rather suspect that you hadn't viewed law and its whole apparatus, including the thing over which you have dispositive powers quite in that light previously. But you, as I see it,

are sort of a new Paracelsus, working with alchemy and conjuring myths, and the sooner you get to know what this business is all about, the sooner we will get down to brass tacks in the course of these estimates.

So with that leadoff, I simply want to spend a few moments on your role. I want you to tell us how you see that role, with your conjoint responsibilities as they are at present.

What is the time factor that is allocated to the separate functions that you perform? To what degree and how often do you meet with the other ministers? Does not the very onerous task of the Attorney General obtrude upon—

**Mr. Singer:** He meets with the Attorney General regularly.

**Mr. Lawlor:** Yes, once a morning, in the bathroom. Do you smile on that occasion?

**Hon. Mr. Welch:** Yes.

**Mr. Lawlor:** I see.

**Mr. Singer:** Do you have two hats?

**Hon. Mr. Welch:** One for each head.

**Mr. Lawlor:** Well, you are in very grave danger of turning into a schizoid personality seeking a redundant unity of some kind, as I see it. How often do you meet with your fellows and how do you interlace, if at all, as things presently stand? It is a complete breakdown in principle. We said that it would break down in principle at an earlier time and from the very initiation we felt that the people who set up the segregation in the departments of various areas of legal affairs and justice, didn't know what they were all about, they had no internal feel for the thing and that it simply wouldn't work. Now we stand facing it that it doesn't work and the living symbol of that failure—for which your deputy, by the way, had a major role as I understand it, in the formulation of that policy. He should have known better, Lord knows, except that he too is a child of logic and likes to set up nice trichotomous categories, to do everything in threes. You wouldn't dream of doing it in twos.

Any great thinker in the history of the world has always set up the third thing so that he can play them off one against the other. It is a whole Hegelian dialectic. The unwise proceed by trichotomies. It's rife. You could go through every major thinker and point out the third thing. And

great thinker and had to have a tertium quid that he can sit on.

Well, let's see some justification for this role. I want to take this opportunity, Mr. Chairman, to congratulate the Law Reform Commission, congratulate them woebegonedly, kind of.

**Mr. Chairman:** I am glad you got off the report, Mr. Lawlor. I mean in a physical sense.

**Mr. Lawlor:** Yes. That's right. Although I do feel still too low I have to raise myself up somehow by my own boot straps, I suppose. But you know they have done yeoman service in the past three or four months, pouring out reports as though there was some kind of regurgitation of the bowels, and we are now given such a massive flood of information that I am sure Mr. Singer and myself find ourselves swamped by all these things.

For that reason alone, I thought that the coming on of these particular estimates at the very initiation of the House—well it is usually an onerous chore, but this year it has its compounded features. Just to plow through these reports, to summarize them, which I think is to some degree our responsibility as critics in this area, offers formidable fare and fodder, and as we develop next week into the full implications of all these reports some kind of analysis, however searching, will have to come forward out of these estimates.

Nevertheless, these people are doing their job in a monumental way. I want to congratulate and thank every one of them. I'm beginning to think they are going to run out of material and we will have to conjure up new fields for them to explore.

As the minister and people on this committee, I am sure, well know the reports on family property law are very voluminous; there are the ones on the family courts which I want to discuss just briefly in a moment; the very fine report on the Motor Vehicle Acts and compensation doesn't go whole hog but if it were adopted pretty well in its present form it would be a major advance in a field which is full of mischief. That must come at the minister from every quarter.

The position of the automobile insurance industry is inadmissible at the present time. Of course one which was kept secret for a considerable period of time simply scappled the whole area and the most recent report is building on that. Even the automobile litigation lawyers concede, as I listen to

them, major defalcation, major failures in this particular field. And so it is ripe; the time has come.

You no doubt will move it in through the private insurance agencies. As far as I am concerned so be it for the time being. You will be driven, I say as a good Socialist, ineluctably into public insurance but this would be a first major step. You will find that through costings and preservation of the profit motive and other things, it will simply prove unpalatable within a very short time, and another form of dealing with the matter to which the red Tory as such is not adverse, fundamentally these days, to adopting will come into being.

All I am saying to you is move with your legislation, private or public, public if possible. If you find that unpalatable and you can't absorb that just yet, if your thinking or your total social maturity—perhaps maturity in other ways, too—hasn't come to pass, at least some kind of sugar-coated pill can be well swallowed by this jurisdiction at this time.

I have watched you; you haven't been the minister all that long. Other Ministers of Justice in this province at earlier times have been ministers of certain vitality and have made the odd speech in a while at some Rotary club in order to show what was going on. But you have become a sphinx. Your long service in government has taught you, I suspect, that the least you say about anything under the sun the better it is.

**Mr. Singer:** He had a nice picture in Saturday's paper.

**Mr. Lawlor:** Did he? I didn't notice. I apologize.

**Hon. Mr. Welch:** I spoke to the Toronto Rotary Club some weeks ago.

**Mr. Lawlor:** Did he say anything on that occasion?

**Mr. Singer:** Look at that. Isn't that beautiful?

**Mr. Lawlor:** Yes. Now that my tobacco has arrived I think I can—

**Mr. Chairman:** Does that complete your remarks?

**Mr. Lawlor:** Pardon?

**Mr. Chairman:** I was wondering if that completed your remarks?

**Mr. Lawlor:** No, that's just—

**Mr. Chairman:** The arrival of the tobacco was just an interlude, was it?

**Mr. Lawlor:** You get no surcease so simply, sir. There are enough Ss there.

**Mr. Singer:** I hope, Mr. Chairman, that we will have ample time to discuss these reports when we get to the Law Reform Commission in the Attorney General's estimates?

**Mr. Chairman:** There is never any attempt in this committee, as you know, Mr. Singer, to curtail discussion in any way.

**Mr. Singer:** That is good. I just wanted to establish that.

**Mr. Lawlor:** That is right.

**Hon. Mr. Welch:** That is a very valuable part of these estimates.

**Mr. Lawlor:** That is one of the reasons we thought you would be a pretty good chairman when you got appointed. Although I had my reservations.

**Mr. Chairman:** Be careful now.

**Mr. Lawlor:** All right. We have been in the House for a month and not a single piece of legal legislation has been forthcoming and that is terribly disappointing. Either you feel unsure of your ground or you are cogitating still and have ceased to act in any external way or in doing anything positive.

**Hon. Mr. Welch:** Provincial secretaries very seldom introduce legislation and they are the estimates before the committee at the moment. The Attorney General will be introducing all kinds of legislation.

**Mr. Lawlor:** The Attorney General has?

**Hon. Mr. Welch:** Yes, he has.

**Mr. Lawlor:** Of which province?

**Hon. Mr. Welch:** Perhaps it's the distinction you are trying to recognize between the two ministries. Perhaps I could remind you that provincial secretaries very seldom introduce legislation.

**Mr. Chairman:** Before we receive the ministerial comments, maybe you could complete your remarks by way of introduction and—

**Mr. Lawlor:** Yes, we will keep the minister in line.

**Mr. Chairman:** Yes, and then we will have the minister comment in full.

**Mr. Lawlor:** Just briefly, I want to deal with a matter that is conjuring great troubles

among our judges and in the province generally. We have before us, arising out of this plethora of reports that have been received recently from the Law Reform Commission, three fundamental proposals—

**Mr. Singer:** Well, Mr. Chairman, I hesitate to interrupt the hon. member, but I had envisaged a discussion of these reports, which is undoubtedly going to be most valuable, in a section of the Attorney General's estimates.

**Mr. Chairman:** You are quite correct.

**Mr. Singer:** I just wonder if we should exhaust the Attorney General's estimates under this head. It makes no difference. But I would have thought that when we come to Law Reform Commission, we could deal with those and the various other recommendations.

**Mr. Lawlor:** Except, Mr. Chairman, I felt that after all this is the policy minister, and this business of the reform of the courts is at this stage at least highly up in the air, a theoretical thing, and very much a policy issue. I won't impose upon the time of the committee.

My second argument would be that it seems to me that since this is the most focal and pressing matter presently before this minister, in my opinion, we could at least do a little scouting at this particular point, and then perhaps we could go into it with greater depth as we examine these estimates.

Really, it doesn't make any difference: You are speaking to the same man under all heads. Therefore, I would ask for a little leeway, particularly on the understanding that the minister represents that whole demesne now and it really makes little difference when we introduce what in these estimates. I do and would, however, try to restrict myself to what I consider essentially policy matters rather than matters in contention as regards policy or the nitty-gritty of the estimates, such as legal aid schemes and all that sort of thing that will come later.

**Mr. Chairman:** Excuse me, Mr. Lawlor.

I gather your point, Mr. Singer, is that we are all in agreement that these reports should be discussed; it's a question of where—

**Mr. Singer:** That is right.

**Mr. Chairman:**—and it may be more appropriate to discuss them under the estimates of the Attorney General, rather than here.

**Mr. Singer:** That was my original assessment.

**Mr. Chairman:** May I say that if that means more latitude in order to bring them under a particular item in the Attorney General's estimates, then I would think that we should be agreeable to exercising that latitude so that we are not cut out from discussing them—

**Mr. Singer:** Oh, they should be discussed fully. There's no question of that.

**Mr. Chairman:** Is that the understanding then?

**Mr. Singer:** Well, I just want it to be clear what the ground rules were, because if the member for Lakeshore proposes to discuss them now, I have certain substantial views in relation to most of these reports and we could be on these estimates for a considerable period of time. My original assessment was that they should come later, under the Attorney General's estimates.

**Mr. Chairman:** Well, as you know, there is only one item in these estimates for the justice policy programme, while there will be quite a number when we get to the Ministry of the Attorney General—

**Mr. Singer:** That was my assessment.

**Mr. Chairman:** At that point we could get into the various areas of those reports that you wish to explore. Is that satisfactory, Mr. Lawlor?

**Mr. Lawlor:** No. I am not clear what we are being satisfied about. I simply propose to make almost one-sentence comments upon each of these three heads, which I think are focal policy statements that we will get into. I think, Mr. Chairman, that we ought to discuss them in the course of these estimates rather than the Attorney General's. I'm very flexible on that—put them wherever you want to—but I'm simply asking for permission to make a few remarks on them and go on.

**Mr. Chairman:** In general terms?

**Mr. Lawlor:** That is right.

**Mr. Chairman:** All right. Proceed.

**Mr. Lawlor:** Well, the first area is the streamlining of the courts and the administration of the courts, and my feeling on that, by and large, is that it's not so radically contentious. It's agreed, by and large, that in terms of saving to the public, in terms of the expedition of court processes, in terms of costs in the courts and in terms of the allocation of property, we have arrived at a time in his-

tory that it has become absolutely mandatory, and why dream of anything else?

Reading the report, as much as I know about it, coming from any area which is deeply affected by this, I get no feeling of a central function working with the four levels of courts—the five, including court of appeal, which may be a moot point in this discussion and which is the kind of thing we can get into. It makes damn good sense. I would suspect, except in its detail, that that should be carried into effect very rapidly. If you want to get these estimates over with and prepare the legislation, bless you.

On the second matter, the area of merger, of the courts, my feeling is that I am not getting any input. It is dangling out in the air. I would like to get an input from some quarter, including the policy minister in this particular regard as to the pros and cons and feasibility and how the county court judges are coming out as against the Supreme Court judges and what's going to happen in this area.

As things stand, I don't think I am in a position to make any very great determination of it. It seems to me that if you are going to bring in the elaborate restructuring of the courts to streamline them, that this is kind of a logical outflow from that particular position, particularly if taken in conjunction with the newest proposals with respect to the family courts and their type of jurisdiction. But that's as much as I want to say. I want to obtain greater information. Anything the minister can do in this regard would be deeply appreciated.

The third area is the business of the coalescence of many, many functions into the family court setup as a kind of pater familias over the whole area of interfamily relationships and children. The report that I have before me seems to me a very sound and even sage document in this particular regard. I had intended to go over some of the matters contained in the report, but in deference to your permitting me to speak on these subjects at all, Mr. Chairman, I will desist at this time and return to it as we hit it either later in these estimates, should that be so decided, or the estimates of the Attorney General proper.

This minister purportedly has a policy purview over four great areas, not just the Justice ministry in the sense of the courts and the ongoing workings of the procedural matters, but he has Correctional Services within his purview, the Solicitor General and, finally, Consumer and Commercial Relations. I would like to know what's going

on, what the interrelationship is, what's hatching and what he's thinking about, because I suppose the policy ministry must continue to think a little on Consumer and Commercial Relations.

There is a proposed consumer protection Act. What was your input into it? What role did you play in it? When do you think it will be coming forward? What areas particularly do you think should be covered within legislation of that kind?

I say to you that you have failed, in my opinion, with respect to the privacy legislation in that whole vast area of privacy which you shy away from, which you delegate to another jurisdiction, and which you can't attack forthrightly, but which nevertheless impinges very greatly in terms of spying and eavesdropping and various manners of intrusions upon basic civil liberties. This jurisdiction, it seems to me, has its hands tied and is stultified and is able to do nothing about it.

It's an area that bothers me very greatly and I want to know what your intention is. I say that you seem to have failed in the consumer reporting Act, in safeguarding basic human rights. What we have to say on that score is on the record. I trust you as a new policy minister have paid some attention, not to what I have said—you may dismiss that for what it's worth—but to what my colleague, the member for Riverdale (Mr. Renwick), had to say on that subject. There were the aversions we had day after day about the loopholes in the legislation and about its deficiencies generally in really not coming to grips, even in the area of credit reporting, with the fundamental rights of citizens and the basic human privacy which is necessary to any of our growth.

In the area of condominiums; you brought forward legislation the other day on speculation, that whole area which I find so aggravating. What about the speculation going on in condominiums? That area has not even been touched; you have not even begun to touch that area—and that's where the real speculation is at the present moment, I suggest to you. Why not give that some thought and move in? Or have you done so? It's certainly a policy matter. And in the interrelationship between you and the minister who is more specifically involved, I would like to know what you're generating in this particular area.

Later on in the Attorney General's estimates, this year we will again discuss competition policy. I would like the minister to be prepared on this particular count, because

it's an intricate and trying field, and the whole basic philosophy of this society is at stake. We got into it a bit at the tail end of last year's estimates, but new developments have taken place in the meantime, and I am serving notice that we intend to go back into that area.

In your relationship with the Solicitor General (Mr. Kerr), we have been recently visited with another one of these very elaborate reports upon police and the role of the police. What are their functions? What are policemen supposed to be doing? How onerous is the hand of the police on us all in this society? To what extent are coercive measures being generated; as they are in the United States of America? All these various things come under the heading here.

I shall simply say, in very short form, that I find this report highly commendable too. This is a good report. And while I intend to go into it in detail, should I ever get around to it, with the Solicitor General—you're not Solicitor General yet—before this term is over, we might have a discussion ourselves on these particular matters.

I simply want to bring to the minister's attention that, again, a thing we had taken out of Halsbury years ago, as to the role and function of police officers, is embodied in this report: Just to give a couple of summary statements from the recommendations of the report:

Police forces employ an approach to administration that focuses on the objectives of policing and the priorities among them, and which encourages individual police officers to use initiative in carrying out the objectives of the force, and which features responsibility and accountability at all levels.

But then, inside the report, it discusses the very vexing question on which they say there is very little literature and which is very seldom discussed: To what extent does the individual police officer, who is not a servant, who has the role of an independent agent in the widest amplitude of his responsibilities, exercise initiative? They're encouraging and forwarding that doctrine, rather than the military setup where everybody has to click his heels and salute, and everything they do is done under a regime of very condign, very strict law.

If a certain offence is committed, they must issue a ticket. If a particular piece of driving takes place which, technically speaking, fails to abide by the law, they must lay a charge. There's nothing that aggravates and aggrieves the public more than the senseless, mindless,

arbitrary imposition of rules of law. They have to be shaped to the needs of human beings, and this report says that.

The report says that the discretion that resides in the police officer ought to be enlarged and recognized, and that is a highly beneficent thing, because then the police will come into good odour in our society, they will come to be respected, and the job of being a police officer will be a job in which one can feel highly dignified, almost a profession at that particular stage. This is what they recommend, and this is what is envisaged in the report.

The only other thing that I want to mention under this particular head is that the report fails, and fails miserably with respect to an old bromide that we have thrashed out a hundred times in these things—it fails in respect to the police commissions.

Mr. Minister, have you ever tried to lay a charge, say of assault arising out of a strike in the city of Toronto, and been pushed from pillar to post, from one office to another, from one justice of the peace to another, trying to lay that charge? Have you ever had people come into see you who have been afflicted or affronted by police officers—assaulted, and quite unjustifiably so, so far as one can tell—and tried to lay a complaint against the powers that be under that head?

If you have, it is a most frustrating, totally debilitating experience and that conduces to a police state which we are all afraid of and which this report is trying to forfend against. They'll wrap you around and delay you and play you off.

The whole apparatus whereby you can have a public hearing and citizens' complaints are legitimately heard before the Metropolitan Toronto Police Commission, as far as I'm concerned at least, is woefully lacking as a formidable barrier set up to protect the police force itself. It is something somehow sacrosanct as somehow not being subject to the same degree of openness and attack as any other element in our society. And because of the grave, very great powers over our lives, they ought to be more vulnerable, more open and more subject to attack—and should welcome it.

This report goes on to say they should welcome it, but it doesn't provide any new machinery which makes this possible.

The government has rejected out of hand the business of setting up independent police commissions, keeping judges off them and having them elected. I think this is the way

it has to be and ought to be as police power becomes more pervasive and closes in as society gets tighter in many ways.

Again, if you don't want to move, if you haven't got that type of courage and political wisdom, then at least reformulate the methods, procedures whereby these things may be aired in a public way—and not forever swept under the carpet.

In the area of corrections, there is a good deal happening, but subterraneously. I'd like to know your role in what is happening in this particular regard. I only have one remark and it is something I read of B. F. Skinner, who is the great behaviourist psychologist. I detest behaviourism, but I like Skinner and his book called "Walden Two." Being an environmentalist, he thinks that all our attitudes are conditioned and we always reflex and never initiate.

Nevertheless, he talks about punishment, and something I, through him, have come to realize—punishment, by and large, never works. As he points out, the reason that people go for it and affirm it and think it has value is because it seems to work immediately; it has an immediate effect. But, he points out, if you look at a little longer time span, what is bred by punishment, in terms of resentment, retaliation, vindictiveness and hate, completely overcomes whatever momentary good you may have got.

This applies to all penal institutions in the sense of the incarcerations and the way in which we treat inmates in a very vicious, archaic and primitive system. We are not very far removed from the blood lust. It is always justified on the basis of some doctrine of punishment along the lines I just indicated. We have abounding proof, overwhelming proof in terms of the pocketbook of the citizen of the province, that it just simply doesn't work.

Now there are mincing steps being made by the ministry to empty the jails. That is what I think is going to have to be done; empty the prisons of this province and move these people out into the community. However, there has to be penalization.

I wonder if you saw Jean Vanier in Ottawa a few weeks ago. He brought together by special invitation 150 to 160 people to talk about this. Now there is a humane guy. This is the theme of the thing, that you keep people who have broken the law in the community. They may have to pay a punishment; they are penalized. They are penalized partially by fines and partially by being made to give some obligation towards the victims

they have brought about. They discussed just what the dimensions of this would be.

I also read recently that in Indian customs in the United States, in Indian law, they never locked anybody up. They kept them in the community but they had to make recompense for what they had done and the injuries they had inflicted upon others. I think that's the method, the way, in which we must move.

To come to your field of justice, etc., as I said previously you are bereft of speeches. You are not letting anybody know what you think about anything.

Secondly, one of Mr. Singer's famous imbroglios with which he beat numerous ministers in the past and with which he may as well start—I will do it for him for the moment—beating the present minister, is the business of an ombudsman. What in blazes have you people got against ombudsmen and the functions they perform? You, as a new minister, have a new lease on life now. I want you to resurvey it. I want you to rethink the role and position of an ombudsman.

You would gain great eclat and even historical fame, if you saw fit. You want to leave some kind of mark on the history of the province for all your years in office, don't you? You might make a dent on the landscape by doing such a thing as that. Please give it some thought. Mr. Singer has been right over the years. He has despaired. He used to introduce a bill a year.

Mr. Singer: I have it in my file.

Mr. Lawlor: You have it in the file?

Mr. Singer: Next week.

Mr. Lawlor: Next week? I see. I have been sitting there waiting for it. He is a man who doesn't easily give up but apparently he has been beaten into the ground.

I would like to know, also, about your ongoing discussions about parimutuel racing and what is happening in that particular field from a justice point of view. When are we likely to receive it? Are you still adamant with respect to the abolition of grand juries? Is this the concerted policy of the government and does it remain that way?

Mr. Singer: Or even petty juries as McRuer recommends.

Mr. Lawlor: That's right. We have our work cut out for us in the next period of time with the mountain of reports. I am sure they have gone to the trouble of drafting legislation for you in many instances so it should expedite your path. I would expect

that, from the state of doldrums which you have up to this instant exhibited, after these estimates finish we will get down to some pretty hard work in the House and see some good legislation coming forward, like some of the heraldic days as I remember them.

I have a deep affection for Mr. Wishart. He just kept it rolling and bless you if you keep it rolling, too, because you have to give Mr. Singer something to do around here.

**Mr. Chairman:** Thanks very much, Mr. Lawlor.

**Mr. Singer:** Mr. Chairman, before you call on the minister, could I just add a brief postscript? Having listened to the member's remarks and the various fields to which he would like to direct the minister, could there be any more valid argument that would support the point of view I put forward than his particular reference to the police report?

Starting in 1965 when I put forward a number of suggestions, one of which involved the separation of the judicial arm of government from the police arm—which eventually resulted in the creation of the office of Solicitor General which was done for that purpose—the member says and, I think, very validly that the Provincial Secretary for Justice should be competent to reply on all these things including recommendations about police.

If there was validity and I think there was great validity in separating the administration of justice and the judicial function from the police arm, isn't it ludicrous that the only person we have to appeal to, in connection with a report such as the report on police, is the Attorney General, wearing his other hat, who has all of the functions which were in conflict? If there was sense in separating Solicitor General from Attorney General, and I think there was, does it make it any sense to bring both these operations back under the purview of the same minister? It doesn't.

Therefore, I would think that the Attorney General—I guess for the moment we are supposed to call him the Provincial Secretary for Justice—should see the validity of the arguments that were put forward and help us to abolish himself in that capacity. It just can't work because if you are going to have opinions on the kind of responsibilities that the member suggested to you, and since we have those reports there, and since they are matters of concern, how can you possibly continue as Attorney General? Obviously you can't be both, and what is the point of having these estimates here before us asking for \$400,000-odd?

**Mr. Chairman:** Thank you for those additional observations, Mr. Singer. Now possibly the minister could make some comments.

**Hon. Mr. Welch:** Mr. Chairman, I think perhaps I am aided in my response by the postscript of the member for Downsview. I really can't follow that argument at all. Let's use it as an illustration of attempting to clarify the reorganization and the restructuring of government.

The recommendations in the task force report dealing with police would be a good case in point. The responsibility for developing the first response, from a policy point of view, will lie with the Solicitor General. The Solicitor General has this responsibility, is presently studying these recommendations and presently giving some thought to what will be the response of the government to these recommendations.

He will develop these submissions. He will then submit them to his colleagues who are members of the policy field. I chair that particular committee. It will be a collective review of those particular recommendations which, once determined, with respect to the discussion that will follow, will go forward to our colleagues in cabinet. So it is not as if the Solicitor General is reporting to the Attorney General. From the very words that you quoted from COGP report No. 3, there was no reporting relationship as such between the operating minister and the policy minister. That was a quotation which you in fact underlined—I am sorry, I am speaking to the member for Downsview; that the member for Downsview underlined—in quoting from the report. An operating minister—

**Mr. Singer:** I just don't see how you can be a schizophrenic.

**Mrs. M. Campbell (St. George):** Why not?

**Mr. Singer:** Well, there are many in government, but I don't see how you can pretend to do both functions at the same time.

**Hon. Mr. Welch:** I think it is a very clear demarcation that comes from understanding what the reorganization of government is. We have responsibilities with respect to our policy field organization and they are quite clear what the responsibilities of that cabinet committee are. They are quite clear responsibilities, the mandate of the operating ministries included among them being the Ministry of the Attorney General. So there are two distinct ministries to fill. It is not unusual from time to time—

**Mr. Singer:** How do you explain away the words, "without operating responsibilities"? Could there be anything clearer than that?

**Hon. Mr. Welch:** Mr. Chairman, I would hardly have to remind the member for Downsview that I was very patient in listening to what he said and I am coming to that point. He is anticipating my comments.

**Mr. Chairman:** It may be that we could hear from the minister and it may be also, Mr. Singer, that you haven't taken into consideration the immense capacities of this particular minister.

**Mr. Singer:** Oh, I have great admiration for him.

**Mr. Chairman:** Would you continue, Mr. Minister?

**Hon. Mr. Welch:** I would hope that people could refrain from analysing this issue on the basis of the present incumbent, one way or the other, either in a flattering or in a derogatory way. I think we have to think in terms of the organization, what people are being asked to do.

I will finish the point by simply saying—the point I was making until I get to the point that the member for Downsview interjected into the discussion just a few seconds ago—that we have a cabinet committee on justice and the Ministers of Correctional Services and Consumer and Commercial Relations and the Solicitor General and the Attorney General are members of that particular committee. The Premier made it quite clear when he announced the government response to COGP report No. 3, which is the one to which the hon. member for Downsview makes reference, that the restructuring of the government would follow the recommendations of the committee, but that the government was in fact looking forward to some experience with the new arrangement to give it an opportunity to work for a while to see what some of the other directions might be with respect to the operation of the committee and the structure. The Premier has made it quite clear.

I remind you that the Premier, following this experience, and in consultation with those working with the system, found that in this particular field there could only be one chief law officer for the Crown and that the Attorney General's position had to be preserved with respect to this, and indeed that there could be some confusion on that particular issue, that it seemed to be an area of gov-

ernment activity which in fact could blend the policy development within the Ministry of the Attorney General with the policy development of other ministries and collectively consider it in the cabinet committee. Here, once again, in the spirit of growing through the experience of the reorganization of government, the Premier has decided to ask the Attorney General if he will fill the responsibilities of chairman of the cabinet committee on justice and be the Provincial Secretary for Justice as well.

If one could follow through—let's just take a look at the organizational matter because I think there is really some misunderstanding. I speak with a little experience, having served in another policy field. I think there is a great misunderstanding with respect to the restructuring of government and questions like this help one to clarify it.

The member for Lakeshore makes some point that since we are going to be discussing policy the only person you would discuss policy with is the policy minister. That is not the case. The policy minister's responsibilities, of course, are in matters of co-ordination, of bringing together the members within his field to give some consideration to matters of policy. They do not all necessarily—they do in many cases but there are a few exceptions—emanate from the secretariat itself or from the policy minister himself. There is still a capacity within the operating ministries to develop their policy.

In other words, in the Ministry of the Attorney General, when you come to the estimates of that ministry, you will see a policy development section. We will ask you to vote for money for that ministry to develop policy within the terms of reference and the mandate of that ministry as there would be in other ministries in this policy field. The point is that the policy submissions coming up from the various operating ministries must come to the policy field to be considered by the cabinet committee with responsibilities in that area prior to recommendation to our colleagues in the government.

I assure you the system is working and it's working well from the standpoint of developing the legislation which is, of course, the result of these policy submissions.

An interesting case in point—if I could digress for a moment—is the statement made today with respect to the attitude of this government toward the amendments to the Combines Investigation Act. It was developed and discussed by our cabinet committee on justice and sent forward to the policy board of cabinet and to the cabinet to become a

statement of government policy. Legislation to which reference has been made and which predates my appointment to this particular responsibility, from other ministries in this field, would have gone the same route; it would have started within the ministries involved, been submitted to the policy field and gone on to cabinet through the policy board of cabinet.

I think it is important to recognize these particular matters and to see this clarification.

That speaks to the other point raised by the member for Downsview when he suggests that since the Attorney General has also been asked to assume the responsibilities of the Provincial Secretary for Justice, therefore he needs none of this money which the committee is being asked to approve in these estimates. That, of course, ignores the ongoing responsibilities of the secretariat as a support to the Provincial Secretary for Social Development (Mrs. Birch) to serve the cabinet committee on justice.

It is true there will not be need to duplicate certain of these support functions and we are talking about one or two staff positions.

**Mr. Singer:** We are talking about, first, two ministerial salaries.

**Hon. Mr. Welch:** You are not being asked to—

**Mr. Singer:** Yes, we are being asked—well, we are not being asked to vote it but there are two ministerial salaries.

**Hon. Mr. Welch:** There are not two ministerial salaries. As a matter of record, there are not two salaries being paid.

**Mr. Singer:** I am quite sure there aren't but there are two shown in the book.

**Hon. Mr. Welch:** Let the record show that. Of course, we have to maintain them; we have to vote the money that is necessary to support the two structures. After all, this is at the beginning of the fiscal year. We have these amounts of money. We can account for—

**Mr. J. A. Renwick (Riverdale):** That would be a good headline — "Provincial Secretary Denies He Is Receiving Two Salaries."

**Hon. Mr. Welch:** That's much better than the other type of headline would be—that he was accused of accepting two salaries. He is not receiving two salaries. The budget here is to provide for the very modest support staff of the secretariat and, indeed, to ensure the

continuation of the work of the policy field. It is, of course, necessary to carry out the responsibilities of the committee which are referred to in COGP No. 3. Let's keep it in perspective. We are only talking about the fact that one cabinet minister is asked to accept these two responsibilities.

**Mr. Renwick:** Is it true that you wouldn't take one without the other?

**Hon. Mr. Welch:** The hon. member for Riverdale knows very well that members of the cabinet are simply called upon to accept responsibilities and they accept the responsibilities which are assigned to them.

**Mr. Singer:** Theirs is not to reason why.

**Mr. Renwick:** We read it that way.

**Hon. Mr. Welch:** I am sure you did.

**Mr. Lawlor:** That blandness will get you nowhere in these estimates.

**Hon. Mr. Welch:** From the standpoint of the comments of the members for Lakeshore, it's the first time I've ever been accused of being reticent in making public statements at any time about issues for which I have some responsibility. I'm not being facetious. I'd be very happy to send you a copy of the speeches I've made in the last two years, if you have time to read them all. The most recent was to the Toronto Rotary Club in which I devoted a great deal of time to the whole question of law reform, five areas of which you have already referred to.

**Mr. Lawlor:** I have written your department over and over again to send me the speeches.

**Hon. Mr. Welch:** The minister may be excused with respect to the modesty which is his in not sending you a copy every time he speaks.

**Mr. Lawlor:** That's a false modesty.

**Hon. Mr. Welch:** If, in fact, you would like to have that I will be glad to do that. I would think that we might be serving justice in a far more intelligent way if we got down to discussing some of the matters to which the hon. member for Lakeshore makes reference without all the personal side in it, because I'm quite interested in what the hon. member has to say about a number of these issues with respect to law reform.

I look forward to the estimates of the Attorney General particularly, when I ask you to vote for money for the Law Reform Com-

mission, in order that we can discuss these matters in some detail, accepting the comments of the member for Lakeshore that he's quite serious in wanting to see some implementation of some of these recommendations. I look forward to it. I think it is awfully important that we understand exactly what we're being asked to do at the moment. We're being asked to consider voting the sum of \$419,000 to maintain the programme of the Justice policy field.

**Mr. Chairman:** It is \$401,000, Mr. Minister.

**Hon. Mr. Welch:** Why?

**Mr. Chairman:** The salary is statutory.

**Mr. Singer:** The salary is statutory.

**Hon. Mr. Welch:** I stand corrected by the chairman. It is \$401,000.

**Mr. Chairman:** I thought that might sound better.

**Hon. Mr. Welch:** It shows how impartial the chairman is. That's right. It is \$401,000 to maintain the work of the Justice policy field, and I'm quite prepared to discuss the work of the policy field. I'm quite prepared to share with you what some of the future agenda items will be, and what the areas are of our discussion, keeping in mind that it's a cabinet committee to which all operating ministers send their policy submissions for the consideration of their colleagues in that field as part of the decision-making process on the way to cabinet which makes the final determinations.

I would hope, at this stage, that the fact that the Provincial Secretary for Justice and the Attorney General happen to be the same person would not in any way detract from the responsibilities which have to be carried out in the restructuring of government and in the policy field organization. I'm quite satisfied, as I've had this experience for the last month or so, that I see no conflict. I see that the work that lies ahead of us is exciting and indeed we have a role to play in the policy field just as it's being played in the other areas of government—Social Development and Resources Development.

Reference has been made to a number of items within the purview of the responsibility of the operating ministries, Consumer and Commercial Relations and Solicitor General. In each of these cases policy submissions either have been, if they are already matters that have been decided, or are being prepared for the consideration of this committee.

As the hon. members of this committee know, the policy field committees meet regularly every Thursday. There's a decision-making structure with respect to when the policy field committees meet, when the Policy and Priorities Board of Cabinet meets and when cabinet meets.

Of course it's difficult to do so when the House is in session all day, but certainly on Thursday mornings until such time as we're called into the House you'll find that all the policy fields meet; and special meetings are held as required, depending on the issues and depending on the number of people who have asked for opportunities to meet with the committees, because we have that responsibility too with respect to certain delegations.

Behind the Thursday meeting is the work, as Mr. Dick would be very quick to point out, of the support staff—the deputy minister and his staff meeting as agenda committees and as policy analysts in getting the material collated and brought together for the consideration of members of the committee, the preparation of agendas, the sending out of material in advance so that the members of the cabinet committee can have the issues before them prior to the meeting in order that the cabinet committee itself can discuss these issues and arrive at some decision. So there is quite an organizational arrangement as well.

I am sure we all understand what the intention of COGP was. I am positive the Premier made it quite clear he wanted some opportunity to work with the system and there would be some changes with respect to this.

You will notice that in reorganizing the executive council the last time he asked the Attorney General to also chair the policy field committee. But certainly, with some obvious exceptions, it is still a very distinct organization from the operating ministry and has a special responsibility to perform independent of the operating ministry, for which these moneys are being asked.

**Mr. Singer:** Mr. Chairman, I understand the House has risen.

**Mr. Chairman:** Yes.

**Mr. Singer:** I don't know that we even have a legal right to sit after the House has risen.

**Hon. Mr. Welch:** I'll get an opinion from the Attorney General.

**Mr. Singer:** Yes, if you would. Perhaps we should adjourn now.

**Mr. Chairman:** Is there further comment on this?

**Mr. Singer:** Yes, there will be some substantial comment from me, and from others I am sure. This was just a preliminary skirmish.

**Mr. Chairman:** What is your pleasure, Mr. Minister?

**Hon. Mr. Welch:** Well it is not my pleasure, I am just appearing before the committee.

**Mr. Chairman:** Gentlemen?

**Mr. Singer:** I think we should adjourn. I think we are obliged to rise.

**Mr. Chairman:** Well maybe it's a custom; I don't know if we are. But if that's your wish, gentlemen, then we will adjourn until—

**Mr. Singer:** The next time.

**Mr. Chairman:** —immediately after the question period on Tuesday next.

**Hon. Mr. Welch:** Happy Easter.

The committee adjourned at 4:33 o'clock, p.m.

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# Legislature of Ontario

## Debates

*Ontario Legislative Assembly*

### ESTIMATES, PROVINCIAL SECRETARIAT FOR JUSTICE

Standing Administration of Justice  
Committees

Chairman: Mr. J. A. Taylor

OFFICIAL REPORT – DAILY EDITION

Fourth Session of the Twenty-Ninth Legislature

Tuesday, April 16, 1974

Speaker: Honourable Allan Edward Reuter  
Clerk: Roderick Lewis, QC

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(Daily index of proceedings appears at back of this issue.)

# LEGISLATIVE ASSEMBLY OF ONTARIO

TUESDAY, APRIL 16, 1974

The committee met at 3.04 o'clock, p.m., in committee room No. 1.

## ESTIMATES, PROVINCIAL SECRETARIAT FOR JUSTICE (continued)

**Mr. Chairman:** We have a quorum; we may proceed.

Last day, I believe, there were further comments that Mr. Singer wanted to make. I believe Mrs. Campbell wanted to make some as well as Mr. Renwick. Would you like to proceed, Mr. Singer?

**Mr. V. M. Singer (Downsview):** Yes, Mr. Chairman. In line with the comments I was making the other day, which I don't feel have been at all answered by the minister—nor did the Premier (Mr. Davis), in his efforts today, justify in my mind the role of these policy ministers—I'd like to find out much more specifically from the minister if he does anything more than merely presiding at a meeting of other ministers who seem to be in something called a policy field, which was designated by COGP, where you get in and throw ideas around?

What real function does the secretariat perform? Are there policy studies? Does somebody say, for example: "We've got an up-and-coming report on policing. Now we are going to spend one of our regular meetings with policing and see what kind of policy is going to emerge from that"? Or: "We've got three volumes dealing with family law from the Law Reform Commission. Which direction shall we move on that? That complicated formula put forward by the Law Reform Commission about dividing maritable property, is it reasonable, is it workable?"

Do you have a session dealing with that? Or do you wait for the initiative to come from the Solicitor General, the Attorney General or the Minister of Correctional Services, who says: "I've got a bill dealing with something or other. What do you think of it, fellows?" And then toss that one around?

If the policy group is going to perform any useful function, it seems to me the head

of it should be, in the words of COGP "detached from administrative duties." And to my mind it is an absolute admission by the government they don't regard the role of the policy minister as an independent role any longer. I wonder if the minister could elaborate on that, because his explanation the other day didn't satisfy me at all.

**Hon. R. Welch (Provincial Secretary for Justice and Attorney General):** Well, whether or not I'm going to be able to satisfy the member, of course, remains to be seen. I would simply like to underline one or two points I was making the other day. First, I don't think you will find the COGP talks about the policy minister being freed of administrative responsibilities. Obviously as a member of the executive council, with a complement—the deputy minister and support staff—he obviously would have some administrative responsibilities—

**Mr. Singer:** They used the word "other."

**Hon. Mr. Welch:** —but the point I think one has to make here is to underline what I said the other day: Keep in mind that, insofar as the other policy fields are concerned, the policy ministers there have no operational responsibilities, which I think is the key. They are not in the operating field in the same sense as the ministers in that policy field would be. It was felt through the experience in this field, with the Attorney General as the chief law officer of the Crown, that there could be some combination in this field of operational responsibilities and those attached to the policy secretary, that is the Provincial Secretary for Justice.

The Provincial Secretary for Justice has very definite responsibilities with respect to the co-ordinating role of the policy field. There is agenda preparation which takes a very substantial amount of time, with the necessary staff doing the research work to have the agenda items prepared in such a way that the cabinet committee can in fact deal with them at their regular weekly meetings.

These agenda items—and we can make reference to a number of them—come in

several ways; either at the initiative of the operating minister who in fact still has some responsibilities for policy development within his ministry to bring it forward in an acceptable form for the consideration of the policy field, taken at the initiative of the Provincial Secretary himself; or indeed by direction from cabinet with respect to matters which in fact come before the cabinet or come to the attention of the Premier.

So there is the agenda preparation and the policy analysis and all of the other steps that are necessary prior to the cabinet committee itself giving some consideration to it.

Now, the items of law reform that we are talking about, the legislative programme of Consumer and Commercial Relations, the new programme in Correctional Services or whatever-have-you; these matters come to the committee. But it's not just that they descend on the committee out of the clear blue at 9:30 on Thursday morning; there is a tremendous amount of preparation in connection with that.

So there is a very useful purpose to be performed by the policy field, particularly by the support staff to that policy field in the material that has to be considered by the committee.

**Mr. Singer:** Well, Mr. Minister, in the event I am particularly stupid—and probably I am—could you outline to us—

**Mr. J. A. Renwick (Riverdale):** No, you are not—because I am equally confused.

**An hon. member:** What does that prove, Mr. Chairman?

**Mr. Singer:** Could you outline to us, sort of a typical Thursday morning session? A meeting, I presume, is called to order—

**Hon. Mr. Welch:** At 9:30.

**Mr. Singer:** —at 9:30 by the Provincial Secretary for Justice.

**Hon. Mr. Welch:** Well, let me give you the agenda.

**Mr. Singer:** Yes.

**Hon. Mr. Welch:** Let me discuss the agenda for Thursday, April 4. I just happen to have it with me.

**Mr. Singer:** All right.

**Hon. Mr. Welch:** We discussed seven items: The alcohol policy for Ontario, the report of the interministerial committee on drinking and driving; we did some review

with respect to the references in the Speech from the Throne to our field; we made some final determinations with respect to our position so far as Bill C-7 was concerned, the bill to amend the Combines Investigation Act; we reviewed some changes to the Ontario Securities Act; we talked about the Training Schools Act, particularly with respect to some very substantial changes there; and we also then spent some time in connection with our contribution to the fifth United Nations conference on the prevention of crime and the treatment of offenders, which comes to Toronto next year.

**Mr. Singer:** Who was in attendance at that meeting?

**Hon. Mr. Welch:** All the ministers in the policy field.

**Mr. Renwick:** All of the ministers in the policy field.

**Hon. Mr. Welch:** Plus their deputy ministers as advisers.

**Mr. Renwick:** If my friend from Downsview will let me, which of those items on the agenda originated in the ministries and which of them originated somewhere else; and if any of them did, where did they originate?

**Hon. Mr. Welch:** I think the items with respect to alcohol policy and the interministerial committee emanated from the policy secretariat itself; as well it would be the role of the secretary to bring together various points of view with respect to the amendments of the Combines Investigation Act, Obviously the amendments to the Ontario Securities Act and the Training Schools Act would emanate from the ministries themselves then come to the policy field.

**Mr. Singer:** Can I get back again? Let's deal with the alcohol problem.

You would think—if I recall your words exactly—you would think that the discussions originated with the secretariat itself. How did they originate? Were there background papers prepared for the secretariat?

**Hon. Mr. Welch:** Yes, quite a—

**Mr. Singer:** How many were there? Who prepared them? Who authorized them? Who presented them?

**Hon. Mr. Welch:** The alcohol policy one actually, interestingly enough, came to the secretariat from the Social Development policy field, which in turn had given a great

deal of consideration to this matter from the standpoint of the implications of alcohol abuse in our field as it related to the Ministry of Health, the Ministry of Community and Social Services and so on.

We were very anxious to have some input from the justice policy field for at least two points of view; namely the whole enforcement question as it related to the treatment of people who in fact were responsible for this type of abuse; and also because Mr. Clement's ministry has some responsibility in accounting to the Legislature for the activities of the two liquor boards.

**Mr. Singer:** I'm not suggesting—

**Hon. Mr. Welch:** Mr. Dick will correct me if I'm wrong here, but in the interministerial committee on drinking and driving, of course, it became obvious as a follow-up on this that the whole question of alcohol abuse, as it related to automobile safety and so on, as I understand it became a matter of some interest because of some experimentation that had been going on in some other jurisdiction. It was felt by our policy field there should be some follow up on that as well.

Indeed you will recall that the Speech from the Throne makes some reference to the interest of the government in doing something related to this particular area of responsibility as well.

**Mr. Singer:** I wouldn't suggest for a moment this kind of inquiry by the ministry of Ontario isn't a valid one. I think it's a most important one. To what extent the Social Development field prepared background information will have to remain unanswered until we get that minister before us and ask him exactly what they did.

**Hon. Mr. Welch:** Oh well, I am sure there—

**Mr. Singer:** What I would like to know is whether when the Provincial Secretary for Justice walked into that meeting he had available to him anything other than his normal good intelligence and the advice from time to time of Mr. Dick and whoever else he might have brought with him? Or did he have any research done out of his secretariat?

They had \$358,000 that they spent last year. Did they have any papers done? Did they have any outside reports commissioned? Did they have anything to present to add to this discussion? Or did you merely preside at a meeting and listen to what everybody else said?

**Hon. Mr. Welch:** No. There was staff work on both of these particular matters. The background paper, particularly that of the interministerial committee on drinking and driving, is a very fascinating piece of work done by a staff reporting to Mr. Dick. They've been meeting on a regular basis and continue to meet.

**Mr. Singer:** Is there any reason why, whatever was done—and I have yet to elicit from you what papers were produced and who prepared them and how much they cost; I'd like those figures.

**Hon. Mr. Welch:** I don't have that.

**Mr. Singer:** Is there any reason why that preparatory work could not have been done in the Attorney General's office under one of the policy heads that he has?

**Hon. Mr. Welch:** They were not done outside of government. They were done by staff within government, so it's not a question of any cost.

**Mr. Singer:** I am just trying to distinguish between the Provincial Secretary for Justice and the Attorney General. I find it very difficult to do that.

**Hon. Mr. Welch:** I think there's a very valid illustration of how it couldn't be confined within the responsibility of one of the operating ministries of the Justice field. It involved more than just the Attorney General. Particularly in our field it involved the Minister of Consumer and Commercial Relations, obviously, in addition to the Attorney General himself. It involved Correctional Services because they are the recipients of some of the people who in fact can't handle alcohol and get themselves into trouble with the law.

I think it's an excellent example of how the policy field could address itself to this overall question; the same way that Social Development found it had a very interesting subject with respect to the ministries that followed in the purview of that policy.

**Mr. Singer:** I refuse to be manoeuvred into the position where it can be implied I don't think this was a worthy topic of discussion. I emphasize that it was.

What I'm trying to find out is what was the real contribution of the secretariat for Justice? Was there any paper prepared by that secretariat or under the secretariat's direction? If so, who prepared it? How much of the secretariat's time did it take up and what cost could be allocated to it?

**Hon. Mr. Welch:** Well, I repeat once again, and I don't know what more I can add to what I've already said, the function in preparation for the consideration of this particular issue by the committee. Work was done by the staff reporting to the deputy provincial secretary by way of preparing the material that would be necessary to go into the policy books of the members of that committee. They receive their agendas in advance of the meeting and they have all this material at their disposal prior to coming to the meeting.

The members of the committee are not introduced to the issue the day they arrive at the meeting. They've had the agenda. There is an agenda preparation committee that meets prior to these times; sometimes it may mean we've served at least two weeks' notice on our ministers with respect to issues because of the importance of the matter and the amount of support material that is sent out in advance of the particular meeting at which the agenda item is to be discussed.

**Mr. Singer:** I can understand the importance of someone preparing an agenda. But I wonder why you need \$400,000 for agenda preparers.

**Mr. Chairman:** Mr. Singer, the actual expenditure last year was about half of that.

**Mr. Singer:** All right, \$358,000.

**Mr. Chairman:** No, \$228,902 as I see the actual expenditures of 1972-1973.

**Mr. Singer:** Yes, well that is two years ago. They moved up \$100,000 in the estimates; we have no projection for 1973-1974.

**Mr. Chairman:** The estimate is \$343,000.

**Mr. Singer:** Yes, so it is safe to guess they were pretty close to their last estimate, eh? Four hundred thousand dollars for agenda preparers is a lot of public money.

**Mr. Chairman:** Well, whether or not the minister wishes to explain the difference between the estimates last year and what the projected increases might be—I presume is within his purview and he may wish to do that—I don't think anything is going to be gained by focusing on agenda preparation and attributing the total expenditure or most of it to that particular item.

**Mr. Singer:** Mr. Chairman, with respect to your views, I am going to press my questions forward.

Could the minister tell me what reports emanated from the Provincial Secretariat for Justice, what they dealt with, how long they

were, who prepared them, and if any estimate of cost could be attached to them? I'm not talking about the preparation of agendas and the gathering together of supportive material.

**Hon. Mr. Welch:** I certainly want to be helpful in responding to the question, but what does the hon. member mean when he asks: "What reports were prepared?"

**Mr. Singer:** Can you show me or say—and you don't have to table it—"I have here in my hand a report that originated with the Provincial Secretariat for Justice; we retained Prof. So-and-so or Dr. This-and-that to prepare it. It ran 75 pages. We thought that this gentleman or this lady was an eminent person in the field. We thought it worthwhile to seek his or her opinions. The report was commissioned at the instigation of the secretariat. We received it, digested it, and took it to the secretariat with our comments saying pages 7, 8, 9 and 10 are excellent and pages 13, 14 and 15 are a little weak. We would suggest that the policy go in certain directions?"

Have you got anything like that at all?

**Hon. Mr. Welch:** Mr. Chairman, I think perhaps I can approach it in this way: In keeping with the reorganization of government, it is fair to say there hasn't been a policy decision made by any minister within this field that hasn't been cleared through the policy field, and in turn from the policy field to government.

With respect to consideration of all of those items there were the necessary reports, if one can use that word—or analysis, backup or support material—to assist the committee in arriving at decisions with respect to what the recommendations to government would be with respect to these items.

I could then proceed to give you some examples. I've got here all of the agendas of the committee with all of the matters we have discussed.

I suppose a point to answer your specific request for a report would be the green paper published by the ministry with respect to Sunday observance and uniform store hours for public discussion. This was released by the Solicitor General and formed the subject matter of his trips around Ontario to get some input from the public.

With all these items that I've mentioned there has been a substantial amount of staff work involved, and reports have been made to the committee by those who have been asked to do that sort of thing.

As you might well gather, this is a committee of cabinet; and a substantial amount of that work would not be made public because it is part of the decision-making process of the cabinet, and ultimately the cabinet arrives at some decision. That begs the bigger question as to what in the world I could produce in the way of all kinds of reports—that's asking to open up the whole cabinet system.

**Mr. Singer:** I deliberately said I didn't want you to reveal any government secrets. I was inviting you to hold up in your hand or to tell me that we retained a certain expert in a certain field to give us his ideas on what policy should be. And you've deliberately skirted that, with great respect Mr. Minister.

I can remember the late, lamented member for Carleton East (Mr. Lawrence), who set up a number of task forces, one on insurance—what was the name of that fellow from Oakville, the former Crown attorney who brought in the first report on insurance?

**Mr. Chairman:** McWilliams.

**Mr. Singer:** McWilliams—we had a terrible job extracting that report from the Minister of Consumer and Commercial Relations.

The member for Carleton East set up several task forces to provide his secretariat with background information. That may have been the cause of his downfall. But since that effort seemed to have come to naught, what I'm still trying to figure out is what the secretariat does that isn't really a clerical job; what the secretariat does that doesn't involve meetings of various ministers of the cabinet who have come together in common fields to discuss them. What beats me completely is why we need a separate department with all the paraphernalia that surrounds it, which is expected to involve the taxpayers of Ontario in a further expenditure of \$419,000 for the next year.

**Mr. P. D. Lawlor (Lakeshore):** If I may chime in a minute. I get the message, from the other day particularly, and what I wanted to say at that time too is that the member for Downsview is on to something here. You seem to be playing mostly a passive role, a coalescing role, a clearing house operation of some kind. But, as for the initiatory role of launching programmes, of giving advice, of getting input and giving a little output at the same time, that seems to be deficient.

We would have thought, with policy ministers, that would be precisely the function they

would perform. They would be initiatory. They would precipitate things. They wouldn't simply sit at the centre of the maelstrom and receive ideas from all other quarters.

They have to do that too, that's admitted; but we suggest that if the office is to have any validity at all it must have some form of generative power. It must be searching and it must be probing and it must be bringing forward proposals. That seems to be lacking.

If it's to go on and \$400,000 is going to be spent on the thing, then I would think that you could validate or justify your position by doing that function and being able to place before an estimates committee that type of justification. You haven't been there long enough so that you can get off the hook this year, but don't you agree with me, really, that that's a prime function; that we would expect that you would be vital and ongoing in this regard and that you would make a major contribution in generating policy rather than simply being a recipient?

**Hon. Mr. Welch:** Mr. Chairman, I think the hon. member poses a very interesting point and I don't argue against the point; let me say that at the beginning of these comments.

I think it's a matter of balance. I think I have to repeat what I said on Thursday afternoon, there seems to be some misunderstanding with respect even to the operating minister's responsibilities with respect to policy development as well.

One has to keep in mind that with an operating minister—the Attorney General, the Minister of Health—notwithstanding his responsibilities in operating, or managing, or whatever you want to call it, the day-to-day activities of his ministry—there is some dimension to his responsibilities which involves the development of new policies, some evaluation with respect to his present programmes, and new directions or thrusts or initiatives, depending on the vocabulary that you'd like to use.

We together, as a collectivity, as a policy field, are engaged in what's called multi-year planning. I can tell you from my experience with the other field that we're very concerned along the lines you've mentioned, that we in fact are futuristic, that we are in fact building into the whole programme some elements of evaluation, which involves some judgment with respect to the relevancy of programmes and their sufficiency.

We are thinking in terms of where some of the new initiatives would be. We all make our contributions in this way and there is no

question that a policy minister has some responsibilities along this line as well. But how visible that will be, I say to the hon. member, against the first-line responsibility of the operating minister until such time as we have an opportunity to try these ideas out on each other, I think is a very valuable exercise.

I think it would be very unfortunate and you could have a very unfortunate situation if policy ministers were sounding off with respect to all kind of directions in which we should be going in certain areas, without at least having the opportunity of reviewing these matters with their colleagues, particularly that colleague who will have some responsibility in an operational way with respect to it.

**Mr. Lawlor:** I am not suggesting that you sound off in all directions. With respect, if I happened to be the policy minister—

**Hon. Mr. Welch:** Let me say this—before I miss the point. I agree there has to be some initiative taken on the part of the policy minister. I assure you that those initiatives are taken, but they may not be as visible, because once the initiative is in fact put on the agenda and the matters are discussed and the decision is taken by government, it's the operational minister who in fact makes it known as to the new direction and the new thrust. It is part of the decision-making process.

Now, there are some other things. My predecessors in this office have in fact given some leadership. The first Provincial Secretary for Justice was very active in the area of the investigation or the study of organized crime. I think a committee was put together that reported directly to him. My immediate predecessor has taken a fairly obvious and a fairly active role in the question of Sunday observance and uniform store hours. So one can go through—

**Mr. Singer:** Oh, that green paper was very definitive.

**Hon. Mr. Welch:** —a number of these issues to show where the policy minister was in fact active.

**Mr. Lawlor:** I think if I were a policy minister I would be constantly thinking it was my obligation and task to prepare précis papers, not for general circulation but for discussion—the pros and cons of positions set forth. If I felt deficient and that we should get some input from the universities or some experts from the outside, I would embody it in the paper, present it in advance to my

colleagues, have this all set out, give my recommendations as to how I thought the legislation ought to go; rub off on them, spark some fire, get things going. This constant movement in life—that's the process of thinking, that's what it's all about, that's—

Well, you talk about—

**Hon. Mr. Welch:** What makes you think that doesn't go on?

**Mrs. M. Campbell (St. George):** Your answers to the questions.

**Mr. Lawlor:** You have not indicated that you have prepared such documents and that you circulated them. Your indication the other day and today was that you were receptive of them; they would bring things in and you would act as a kind of focal point around which the discussion would revolve.

**Hon. Mr. Welch:** That's part of the responsibility.

**Mr. Lawlor:** Your role wasn't central and your role wasn't provocative and your role wasn't initiatory; and I think it has to be if you are to justify these estimates.

**Hon. Mr. Welch:** I can assure you I have tried to discharge that responsibility in addition to those I mentioned. It perhaps doesn't fall as easily from some people's lips as others to be engrossed in all kinds of comment about what he may do. It's a collective responsibility we have in government. We run a consensus government.

**Mr. Lawlor:** If you are going to do it with any degree of acumen or plenitude it would be a full-time job. You would have people around you working in the penitentiaries field, in the reform institutions field. You would be up to date with respect to the best thinking done in the civilized world with respect to correction. You would be feeding that into your ministers or around a table. You would be in advance of the van and you would be constantly alive to the securities field.

What's happening in that? Are you relying upon the Minister of Consumer and Commercial Relations (Mr. Clement) to come forward to keep you informed? He has got much too much to do.

If there is any simulacrum of validity to this whole nonsensical setup, particularly as it affects justice, then that's the role. You can make it valid, you can make it vital, it seems to me, if there is the thrust and the will. But if you are combining it with your present operational task, which I would

think is fairly exhausting from day to day with respect to the operations of the courts and the Crown attorneys—a hundred things must pour in on you—you don't get an opportunity to do any of this thinking that is investigatory and is creative at all. That's a whole idea that is not being done and so the whole thing washes out the window. As the member for Downsview says, I think you should get one buck for this one.

**Mr. Chairman:** Mrs. Campbell, you had a comment?

**Mrs. Campbell:** I want to clarify this in my own mind. Last year when the secretary was asked what his role was, it was pointed out it fell into three parts in the report. One was to initiate policy, one was to implement policy, and the third one was to co-ordinate. I think it is fair to say that he admitted at that point that the only policy initiation, if you could even call it that, was that he did listen to retail merchants on the question of uniform store hours. He did ask the question whether co-ordination was not an important function. Of course it could be an important function, but not to this extent, with a separate complement of staff.

What has happened now, Mr. Chairman, is that I get from the minister—and I really do want to understand it—that when he came to this question of the alcohol study, what his Justice people did was collate the reports and the information that flowed from Health, from Social Services, from Correctional Services, from everyone else, and present it in an agenda. I want to know whether that in fact is the way it functioned; because if it is all I can see in this is just an attempt to keep a complement of staff available so that if you want to make some more cabinet changes or something else you will have the staff you can move in.

I don't see that we really should be holding these jobs with such a complement of staff against that kind of a future. I think it is an exorbitant waste of money unless I can get a picture in my mind as to what you did. Did they just collate the reports that were there and present them on an agenda which they prepared for a meeting the Justice secretary chaired? That's the way it looks to me.

**Hon. Mr. Welch:** I think, Mr. Chairman, since the hon. member raises this question once again, I'm sorry if I am not making it any clearer, but I want to point out that if my predecessor in office divided his responsibilities in those three areas that seems to

be a fairly fair summary of the three main areas of responsibility.

**Mrs. Campbell:** That's what it said.

**Hon. Mr. Welch:** I would hope, under the circumstances however, that this wouldn't necessarily mean they all received an equal amount of time. I cannot overestimate the importance of the co-ordinating function in the policy field reorganization.

**Mrs. Campbell:** It at least accounts for one-third of your function.

**Hon. Mr. Welch:** I think it is very important to appreciate the fact that if COGP has made any contribution at all with respect to the decision-making process here, it has been in that particular area of bringing together ministries in these policy fields with their related interests; in fact facilitating the decision-making process here with respect to this co-ordination, and bringing together—to use the jargon—in vertical integration rather than having separate ministers apparently carrying on their activities unrelated to what is going on in another ministry.

So we must not minimize the importance of the co-ordinating role. Someone has to assume that responsibility. We found a way to do it before in the vertical organization by hundreds of interministerial committees being established in this particular government to accomplish the horizontal integration to which I have made reference. That required a tremendous number of civil servants being tied up just to accomplish this business of making sure this co-ordinating function was performed.

I took the agenda for Thursday, April 4, as the member for Downsview asked me to share with him what sort of things we were discussing. The first thing was alcohol policy. It so happened there was some initiative on the part of the secretary—not only the referral from Social Development but the committee itself—and in addition to the research work that was being done by staff there was some reference outside to some programme in Phoenix and some educational programmes in other jurisdictions. It was material other than that which had simply come from other ministries. In other words, there was some investigation carried on outside of these particular papers.

**Mr. Singer:** Carried on by whom?

**Hon. Mr. Welch:** By the staff of the secretariat. The point I am really perhaps over-emphasizing is that I hope you would not

minimize the importance of the co-ordinating function.

I think, too, one has to keep in mind the timing of the reorganization. I don't think it should be a surprise at all that the day-to-day operation of government and the policy development within ministries would require a great deal of the time of the cabinet committee in order to deal with the policy initiatives coming from the operating ministries on the day-to-day operation.

The member for Lakeshore says the minister of one of my operating ministries wouldn't have time for policy development. That's not the truth at all. There's no question that an operating minister spends a great deal of his time in the day-to-day operations of his ministry but he is spending a fair amount of time as well considering new developments and new programmes.

I think, if you ask, any operating minister is finding it a tremendous help to know there is a regular point in his organized week when he can have some input from other ministries in his policy field to assist in the overall development of the particular policy initiative that he in fact has brought forward. That requires more than just his staff doing some research. The implications of any policy in some other ministry is important as well. Somebody has to bring that together and this takes a fair amount of our staff time.

**Mrs. Campbell:** Mr. Chairman, I think my question has been answered. There is no policy initiated.

**Hon. Mr. Welch:** No, I didn't say that at all, Mrs. Campbell. That's not fair.

**Mrs. Campbell:** There is no implementation.

**Hon. Mr. Welch:** That's not fair, Mrs. Campbell.

**Mrs. Campbell:** There is co-ordination and collation which surely can be done at less expense than this kind of expenditure.

**Hon. Mr. Welch:** Mrs. Campbell does her professional training a grave injustice by coming to that conclusion. She does her profession a grave injustice because—

**Mrs. Campbell:** I haven't had anything to give me any other conclusion.

**Hon. Mr. Welch:** Mrs. Campbell did ask me the question about the division into three parts; I agree with that. I wanted to point it out to her because Mrs. Campbell saw fit to single out co-ordination as if that's the only

thing we did. I've spoken to that point, to say I don't want you to minimize the importance of co-ordination, but you cannot in any honesty draw any conclusion that since I spent any time on that I completely ignored the first and the third points.

Let's be fair. All I'm pointing out to you is that you seem to want to minimize the importance of the co-ordinating role and I tell you it's a fairly significant and a very important role.

**Mrs. Campbell:** I think that—

**Hon. Mr. Welch:** But you would be the first to criticize any decision of this government which didn't take into account the implications as they flowed to other ministries; surely to goodness?

**Mrs. Campbell:** I would say, Mr. Chairman, as far as I'm concerned it would seem to me it would be perfectly possible, if this secretariat is not initiating policy, that you could have the research staffs of your various ministries meet and discuss the various things they're dealing with in concert, come together to a meeting of the cabinet and discuss this sort of thing. Certainly I would think that co-ordination is important but I don't think you need a ministry to do it.

**Hon. Mr. Welch:** But in the latter part of 1969 and throughout 1970, when a group of people were discussing the productivity of government, they found the old system to which you now want to return wasn't working.

**Mrs. Campbell:** We find this isn't working.

**Mr. Singer:** The most dramatic law reforms ever made in this province were made by Arthur Wishart all by himself.

**Mrs. Campbell:** Yes.

**Hon. Mr. Welch:** Well, I don't discount the importance of that period.

**Mr. Chairman:** Mr. Renwick:

**Mr. Renwick:** Mr. Chairman, I want to speak with the provincial secretary about this problem. I think while it would appear on the face of it that we will vote for the motion made by the member for Downsview, I want it to be perfectly clear on the record—if I can use that unacceptable phrase—I believe I am in concert with my colleague from Lakeshore in that our concern is the reverse of that of the members of the Liberal Party. The members of the Liberal Party are, for practical purposes, saying you don't need to fund this function; that you should be able

to do it simply by a co-ordinating committee of the four ministers in your field and if you want to have a second meeting with your colleagues from other fields to sort it out on an overall view and refer it to the cabinet, that's adequate and you don't have to fund the function.

**Mrs. Campbell:** Mr. Chairman, excuse me, on a point of privilege; that is not what was said. What was said was if this is all you are doing it doesn't need this ministry. That's a different situation.

**Hon. Mr. Welch:** That's not all we're doing.

**Mr. Renwick:** Without necessarily attributing it but taking the substance of the motion of the member for Downsview, what he's saying is you don't have to fund this function because you're not going to provide any money for it.

**Mr. Singer:** No, that's not what I'm saying. I'll take you up on that later.

**Mr. Renwick:** Well, as usual, I have difficulty distinguishing our position from the Liberal Party's position because the Liberal Party's position is usually so unclear. But if I could have the attention of the provincial secretary on this question, which is of major concern for us, I take it that the provincial secretary took the trouble last Thursday to deny that he was receiving the two salaries.

**Hon. Mr. Welch:** It hardly seemed necessary to do that.

**Mr. Renwick:** Well, you took the trouble of denying it—

**Hon. Mr. Welch:** Because I was asked. They were entitled to an answer.

**Mr. Renwick:** My question is, how can you possibly do both jobs? What my colleague, the member for Lakeshore, is saying is that if you were doing the job properly you couldn't possibly assume both responsibilities and discharge them. At least that is what I am saying, and I think that in substance is what the member for Lakeshore also was saying.

The only excuse you gave was that in this particular policy field tradition has it that the Attorney General is something called the chief law officer of the Crown and therefore there would be some nebulous possible conflict between the two roles, so it was better to have them in one person.

I happen to believe there is a very simple political reason: You wanted to be in an operational field and you have your eye on the future, you refused to accept one without the other.

But be that as it may—and we can't really discuss that here—

**Hon. Mr. Welch:** You're really not serious I hope?

**Mr. Renwick:** I really am serious.

**Hon. Mr. Welch:** Well, I think you should be ashamed. I didn't—

**Mr. Renwick:** I think that's the fundamental reason; and if you tell me it is, then we can leave the rest of the arguments.

**Hon. Mr. Welch:** That's being silly—and let the record show that I said that too.

**Mr. Renwick:** It's not being silly; it's being accurate. But it may be silly.

**Hon. Mr. Welch:** You can't possibly be serious.

**Mr. Chairman:** Never mind speculation. Maybe we could confine our remarks to this particular estimate.

**Mr. Singer:** Don't speculate.

**Hon. Mr. Welch:** It does the Premier a great disservice.

**Mr. Renwick:** It does you great credit.

**Mr. Lawlor:** Why are you so piqued over so obvious a thing?

**Mr. Renwick:** As I understand it, you must of necessity meet with your colleagues in your field for the purpose of discussing with them matters which are of concern to their ministries, whether they originate with their ministries or whether they are matters which you as Provincial Secretary for Justice are dealing with and which impinge upon their ministries. That must take up a certain amount of time if you are going to do it properly; and if you are not going to do it at their expense because you favour your own ministry, but give their ministries the degree of input you in your second role as Attorney General give to the input you want to make to the policy field. That must take up some time.

Obviously the Thursday morning meetings take up a considerable amount of time, because as I understand it, when the House is not in session they are likely to go on all day. There are a substantial number of back-

ground papers which are circulated well in advance with the agenda and which you must absorb. These are not readily absorbed by one person, because they have the input from a number of ministries, as in the field of driving and alcoholism or as in the field of the amendments to the Training Schools Act or whatever you were dealing with.

It seems to me that if you were to come before this committee and say: "Yes, I am receiving two salaries; yes, I am discharging two responsibilities; yes, I am a singularly competent person and can do these things in that way," then I would accept it. But I can't accept for one moment, because you call yourself the chief law officer of the Crown, that that means you can perform the two functions or that we have to provide you with the funds to do so. Unless, of course, you are saying to us that rather than perform your policy role you are having the deputy provincial secretary take over a substantial amount of your role of policy buildup and policy recommendation in the field in which you are involved.

I am not one who runs down the division of responsibility. I tend to think it was a good idea. I tend to think it is probably performing a function other than something called a superministry function, which I never accepted was what it was designed to do anyway. But as Attorney General of the province, how can you possibly discharge the other responsibility?

The reason I say that is that when I consider, as my colleague said, the distance Arthur Wishart had to come in the obsolete framework of that department at that time to bring it even verging into something called a modern operational department; and when I read the reports on the administration of the courts and when I read the other reports which are coming out of the Law Reform Commission that fall directly within the responsibility of the Ministry of the Attorney General; and when I, as a lawyer, have sat for a quarter of a century listening to people decry the function or the operation of the family courts, decry the operation of the provincial courts, decry the operation of the small claims courts; and when I read again the rhetoric which accompanies these recommendations for the improvement of those courts, and then find that I'm sent from Ottawa another document from the other Law Reform Commission about the family courts, most of which again is made up of the rhetoric decrying the operation of the courts which was decried time and time

again, certainly from the time I've been interested in the field of law—when you've got that kind of work to do, and the work cries to be done, how can you possibly do the overall job which is required to supervise, co-ordinate, assist in the formulation of the policy in the field of Correctional Services, the policy in the field of the operation of the police in the Province of Ontario and the other miscellaneous responsibilities of the Solicitor General, or in the field of the Minister of Consumer and Commercial Relations where there is legislation bogged down in that ministry that should be coming forward and isn't coming forward?

We hear all of this nonsense day in and day out about the whole field of warranties, the whole field of business practices, the whole field of consumer protection, the whole field of warranties for persons who buy houses.

**Mr. Singer:** Automobile insurance.

**Mr. Renwick:** We hear of this whole range of questions related to automobile insurance. We hear all of that range of topics; and I can't conceive, with your responsibilities, that you can possibly discharge the responsibilities of a co-ordinating role—or what shall we call it?—a speeding-up role; there's a better word for that.

**Hon. Mr. Welch:** Expedite.

**Mr. Renwick:** Expediting, that's a very good word for that. How can you perform the expediting role? At the present time automobile insurance is bogged down, the reform of the courts is bogged down, the whole field of consumer protection in the Province of Ontario is either not being attended to or you are abdicating to the federal government responsibilities you've got no business to abdicate and which can only mean an immense slowdown in the implementation of the laws which are required for the protection of the consumers in the province.

That's the kind of thinking I have about the problem, and I frankly don't believe you can do it. I happen to have the very highest regard for your capacity and ability. I just think that if there's any one field where I think it can't be done it's in this field. I could perhaps conceive that it could be done in the natural resource field. I don't believe it could, but I would be much more readily able to accept it there than I would in this field, because this is dealing with matters which affect the citizens of the province every day, day in and day out.

Do you know what comes through to me about the provincial secretaryship? The only

things that you ever deal with that are of any significance are matters which are of a degree of political sensitivity, such as that Sunday observance and store-hour legislation on which you have to send the Provincial Secretary for Justice wandering around the province accepting input with respect to that topic—

**Mr. Singer:** A pallid report like that green paper is not worth the effort.

**Mr. A. J. Roy (Ottawa East):** Or offtrack betting.

**Mr. Renwick:** —because they're so sensitive about it that you don't know what to do with it. My guess is that alcoholism, and what you're going to do about that, is also a sensitive topic, politically, in the Province of Ontario.

I think you are allowing the office of the Provincial Secretary for Justice to be used in a way which wasn't intended, and to deal with matters—as you listed on that agenda—which don't originate in the ministries but which are either matters which are politically sensitive intra Province of Ontario or matters on which you want to express a view because of actions being taken by the federal government in Ottawa.

I think those are the only two functions you are performing at the present time as Provincial Secretary for Justice. I don't think you can do it. If I am wrong about the reasons for it, and I don't necessarily believe I am wrong, I would urge, very, very quickly, that you recommend to the Premier that he reappoint or appoint someone else to be the Provincial Secretary for Justice, or you accept the one role and have somebody else act as the Attorney General.

If my memory serves me correctly, you haven't gotten around to having a parliamentary assistant in the Attorney General's field, is that correct?

**Hon. Mr. Welch:** I have no parliamentary assistant, that's right.

**Mr. Renwick:** In the other ministries they at least have parliamentary assistants.

**Hon. Mr. Welch:** I've never had a parliamentary assistant.

**Mr. Renwick:** I know you never have. But I'm simply saying if you think you can perform all of the roles, you at least must make use of the available tool which the government is using, and that is the appointment of parliamentary assistants. You could certainly use them.

What's more, you could certainly use a couple of lay parliamentary assistants, who are not lawyers. The day is going to come, as it came in the Ministry of Health, when someday, in order to make the office of the Attorney General and the field of Justice operate properly in this province, you are going to have to get a very competent lay figure to do it, because lawyers are rapidly becoming unable to divorce themselves from their own particular sense of their own contribution to the administration of justice.

I've spoken rather forcibly for me on those matters, but those are the matters which are of urgent concern to me, and why in this particular instance, always subject of course to what the minister says in reply, I will vote to support the motion put by the member for Downsview, but for entirely diverse and opposite reasons.

**Mr. Chairman:** Mr. Drea, do you have some comments?

**Mr. F. Drea (Scarborough Centre):** No, no.

**Mr. Chairman:** Did you wish to respond, Mr. Minister?

**Hon. Mr. Welch:** I wouldn't want my silence to be misinterpreted in the matter. I don't know what more I can add. We've been on this particular point since Thursday afternoon. I respect the fact that the member for Riverdale has an opinion and he's expressed it forcefully.

I only say that it was the decision of the Premier that the same incumbent could discharge responsibilities in these two offices. I was asked to assume that responsibility and I have assumed that responsibility. I can only say that time alone will tell who is right in this particular issue, from the standpoint of what the performance is insofar as these two areas of government responsibility are.

The hon. member for Riverdale quite properly makes reference to the whole area of law reform, and when we get to the estimates of the Attorney General, the Attorney General will have a great deal to say on that particular subject and I hope we can get involved in some discussion.

I am quite satisfied that we are going to make some progress in that particular area, to use the example of the member for Riverdale himself, and indeed on the basis of my limited experience in the combined responsibility I feel quite sure that with the ministers in the field we'll be making some progress in the field generally.

Having said that, all I'm doing is really indicating a difference of opinion with respect to the matter. We will allow the members of the Legislature and ultimately the people of Ontario to be the judge after we've had an opportunity to have some experience with these two areas of government responsible. I don't know what more I can add, Mr. Chairman.

Mr. Chairman: Any further comment?

Mr. Roy: Sure; I have some comments, Mr. Chairman.

Mr. Drea: Yes.

Mr. Chairman: All right, Mr. Drea.

Mr. Drea: Mr. Minister, having heard through the first part of it that the secretariat only functions as a co-ordinator, and through the last part that there is some suspicion as to your ability to perform the tasks assigned to you, I must admit I'm a bit confused.

If I could go back in my limited period of time, it was my understanding that one of the major tasks done in the initial days of the provincial secretariat—and I think it was a task that no other body could have performed—was that of doing a rather exhaustive study into offtrack betting. It is my recollection—perhaps your deputy, who was intimately involved with that, would remember—but it's my recollection that the stimulus for that came from the secretariat.

Mr. Singer: It came from Arthur Wishart, long before there was a secretariat.

Mr. Drea: I think I could find some stimulus for offtrack betting myself but I think the study was done by the secretariat, is that not right?

Hon. Mr. Welch: Yes, Mr. Dick was chairman of the task force and the report was made to Mr. Al Lawrence, who was then the Provincial Secretary for Justice.

Mr. Singer: Did he not start on it when he was Deputy Attorney General?

Hon. Mr. Welch: He was both at the time.

Mr. Singer: He was both?

Hon. Mr. Welch: You see, the precedent was established then.

Mr. Chairman: Mr. Roy.

Mr. Drea: Could I go on?

Mr. Roy: Oh, you are not finished?

Mr. Drea: No, I just started.

Mr. Roy: Sorry about that.

Mr. Chairman: If Mr. Roy was just indicating that he would be speaking next—

Mr. Roy: Yes.

Mr. Chairman: —you could conclude your remarks, please.

Mr. Drea: Mr. Minister, had the secretariat not done that investigation of offtrack betting, and since it seems to me that the stimulus originated in the secretariat and we would have the law today were it not for some obstinate people in Ottawa, how would that have been—

Interjection by an hon. member.

Mr. Drea: No, that's a matter of record. Mr. Minister, in the old days, how would that kind of study which had ramifications far beyond that of law enforcement—because it's revenue, and there are other applications in the Ministry of Agriculture and Food and so forth—how would that have been handled?

Hon. Mr. Welch: I would say to the hon. member, Mr. Chairman, that what would happen under the old organization would be that if there was some area of study to be undertaken which obviously involved more than one ministry, the vehicle which was very frequently used was the establishment of an interministerial committee of some kind. But then they would have to select their chairman, and there were always problems with respect to whom you reported to and who was responsible, who took the initiative in connection with this because of first loyalties to the ministries from which these people came, and so on.

We used that particular example of offtrack betting as one where there was a fair initiative from the then provincial secretary. In fairness, I think it was an interest which he brought with him from his appointment when he indeed was the Attorney General prior to becoming the Provincial Secretary for Justice.

But when COGP was introduced—certainly I speak now from my experience in the Social Development policy field—I've forgotten how many pages were in the list of interministerial committees that we were faced with, all of which, with very few exceptions, were eliminated by virtue of the policy field structure because there was no need for them

to function any further. In my mind this was a great saving in manpower itself when you thought in terms of how you could handle it in this other way. But it was simply the vehicle that many people found to get around a very rigid vertical organization of government.

You see, if I continue to speak on this then I am going to simply support Mrs. Campbell who says that all we're doing is so-ordinating. Of course, I am only trying to point out the fact that that was a very important function.

There are areas where some initiatives have to be taken. They are not visible, as I said to the member for Lakeshore. You don't find the provincial secretary running around all the time talking about all these things. But he is influencing a direction of studies where it should be influenced, namely in this committee. He also, by virtue of being the provincial secretary, sits on the Policy and Priorities Board of Cabinet.

**Mr. Singer:** Mr. Chairman, lest the record get a little fuzzy about offtrack betting, I played a material role in bringing that forcibly before the House, and undoubtedly before the present member for Scarborough Centre was a member.

The minister will recall it originated with the decision made by the Supreme Court of Ontario that the carrying of bets without a fee was legal. From that there flowed a new business called offtrack betting shops, much to the concern of most law enforcement people in the Province of Ontario and much to the concern of the Jockey Club. The Jockey Club then followed it up with a series of tests where it proved—at least to my satisfaction; I thought it proved pretty conclusively—that the so-called offtrack betting shops which were doing a public service without fee were in fact bookie joints.

Eventually, and after much haranguing and after many important speeches in the Legislature by a number of members—and I think I took the initiative in first bringing it forth—the Attorney General finally began to flex his muscles and the police began an investigation. At the beginning, the police were called off. They didn't believe, I think with validity, they were going to get any support.

Finally, when the Ministry of the Attorney General began to say: "Okay, go in and stop it," it began to be stopped. Then the imaginative theories put forward both in Ottawa and at Queen's Park to protect the flow from this unfortunate Supreme Court decision finally convinced the then Attorney General, not

the Provincial Secretary for Justice, that something had to be done. So if there was governmental initiative it came from the Attorney General. It certainly didn't come from any Provincial Secretary for Justice; things flowed along from there.

**Mr. Lawlor:** The law just wasn't concerned.

**Mr. Singer:** There was the coincidence of the COGP, but long before the job that we in opposition had to face was to convince Mr. Wishart there had to be something done. He took a little convincing, but finally he did move and the whole atmosphere changed. I agree with the remark made by the member for Scarborough Centre that the amendments to the Criminal Code have not been adequate and I have said so publicly on many occasions but the initiatives emanating from the Provincial Secretary for Justice weren't there. Whatever governmental initiative there was came from the Attorney General of the day and it took him quite a while to get into it. When he did get into it, he acted in a meaningful way.

**Hon. Mr. Welch:** Of course at the time, if the hon. member for Downsview wants to have the record complete, there was no policy field; there was no Provincial Secretary for Justice at that time. The reorganization of the government didn't start until Jan. 1, 1972.

**Mr. Chairman:** I think that was implicit in his remarks, Mr. Minister, I think the point Mr. Drea was making was that it was a topic which was eminently suited to the Justice policy field; it was carried forward in that field by Mr. Lawrence.

**Mr. Singer:** It didn't start just in 1972, that's my point. The initiative was exercised by Wishart long before 1972.

**Hon. Mr. Welch:** I have no wish to correct the Chairman but I don't agree with the Chairman as to his interpretation of what Mr. Singer was saying. The question that remains to be speculated about was that if the government had been restructured at that time, would it not have been a matter which would have been a subject matter for the Justice secretariat, but there wasn't a Justice secretariat.

**Mr. Singer:** If there had been two moons in the sky things would have been different too.

**Mr. Chairman:** But it was carried forward, as I understand it, from the minister to the Justice policy field when that field was created.

Hon. Mr. Welch: That's the point.

Mr. Chairman: I thought that was understood by Mr. Singer and was certainly implicit in his remarks. Mr. Drea, I think, pointed out that it did carry forward into that field and there was a contribution by the Justice policy field.

Mr. Singer: Mr. Drea started off his remarks by saying it wouldn't have happened unless there had been a secretariat.

Mr. Chairman: Mr. Drea, did you have further comments?

Mr. Lawlor: Mr. Chairman, may I continue to dwell on this for just a few moments? I want to bring myself up to date on that.

Mr. Chairman: Excuse me, did you have a comment related to this particular matter?

Mr. Drea: You mean offtrack? No, go ahead.

Mr. Lawlor: It is just that once the minister was appointed as secretary, as I understand it, he made these elaborate studies in Australia and many other jurisdictions. It came out there was a bonanza hidden at the bottom of the well if the government would only exercise some initiative again on that aspect. We have sat dormant and in some Sargasso Sea of misfits ever since. The first minister—I revere his memory; I like him as a person—went up to Ottawa in a somewhat bumptious mood and the porcupine effect turned the then Minister of Justice for Canada off; he wasn't willing.

Surely, with a genteel, quiet and entrancing minister such as the present one, these overtures might be renewed? Something may be got afoot. This is precisely in the policy field. What steps are you taking? Have you made overtures on your own behalf since your installation to the Minister of Justice in Ottawa in this regard? How far is it advanced? What is the likelihood within the next millenia, let us say, of anything coming about so that we can set up the whole business of offtrack betting in a legitimate way without giving the suzerainty, the monopoly of the thing, over to the Jockey Club? I am profoundly opposed to that. What is the likelihood of the government cashing in on some of that largesse, which are monumental sums and give some alleviation to the taxpayers of this province, or do you feel that it is a demeaning and immoral activity on the part of government? And if you do, is that your policy? If so, say so. I'd like to know. Where do we stand?

Mr. A. B. R. Lawrence (Carleton East): What is this, Mr. Chairman? How is this really relevant to the motion? It seems to me that the motion strikes at the question of ministerial posts being held by one person.

I recall that 20 or 25 years ago, say, Mr. Frost was both Premier and Treasurer for many years. And I don't recall that just because of that multiplicity they chopped off the estimates of the Premier's office and/or the Treasurer's office.

Mr. Singer: Those were the days when the budget was under \$100 million too.

Mr. Lawrence: Well, look, that's not relevant to this issue either, I would suggest respectfully.

Mr. Singer: No?

Mr. Lawrence: Another example is the many years during which the present Premier was Minister of Education and Minister of Colleges and Universities. I don't recall it being suggested that, in some theological sense, there was something unsound about having a minister operating in two areas.

Mr. Lawlor: You don't recall what the report says. It says "he must be free."

Mr. Lawrence: But here is the question raised by the motion. You may quarrel about the philosophy of the report, but here you are dealing with the question of knocking out the estimates of one particular function qua function. I think you would have to vote against that motion.

Mr. Chairman: Mr. Lawrence, actually we were receiving questions insofar as they pertain to the policy field—

Mr. Lawrence: But the motion strikes at the whole estimates, does it not?

Mr. Chairman: I appreciate that Mr. Singer has made a motion, but I thought the area of inquiry was broader than debating a motion that was put by Mr. Singer.

Mr. Singer: It's as broad as the members want to make it.

Mr. Chairman: I don't think we're going to get into the area of offtrack betting and those matters that may deal with another ministry at this juncture.

Mr. Lawlor: Why not? It's a part of the policy field isn't it? What the hell do you discuss here? It's what it's all about.

**Mrs. Campbell:** We can deal with anything. You have discarded the fact, Mr. Chairman, that we can deal with any of the very vital matters of policy.

**Mr. Chairman:** I haven't discarded anything, Mrs. Campbell, with respect.

**Mrs. Campbell:** We were told that we would discuss the Law Reform Commission reports, for example, as policy matters under the Attorney General's estimates.

**Mr. Chairman:** That is correct.

**Mrs. Campbell:** What policy therefore are we permitted to discuss under the policy ministry? That's what I'm trying to get at.

**Mr. Chairman:** It was agreed that when we reached those areas in the Law Reform Commission report which pertain to the Attorney General's ministry, they would be discussed in whatever depth the committee wished to discuss them at that time. I don't think there is anything wrong with that.

**Mr. Lawlor:** I have misgivings about that.

**Mr. Chairman:** But in any event, Mr. Lawlor has been making some observations in regard to offtrack betting as it may or may not relate to this ministry.

**Mr. Lawlor:** It's perfectly legitimate within this field.

**Mr. Chairman:** The way that came up, of course, was Mr. Drea mentioned that was an area of concern of this ministry at one time. I think that what Mr. Lawlor was asking for was whether there was any determination of policy at this moment by the ministry. Is that correct?

**Mr. Lawlor:** That is what it comes to.

**Mr. Chairman:** Possibly the minister would like to comment briefly on that without getting into the whole area of offtrack betting, if we may.

**Mr. Lawlor:** Yes, good. That's all right.

**Hon. Mr. Welch:** The question of offtrack betting has been the subject matter on agendas of this particular policy field. The committee has asked for the present status of this particular matter and, on the basis of some preliminary decisions it has arrived at, it has asked for some input from the Management Board and the Ministry of Revenue in order to make a specific recommendation to cabinet, all of which, of course, will be pre-

dictated on what Ottawa does with respect to any proposed amendments to the Criminal Code, so that we will be in a position to make a policy determination and an announcement with respect to our attitude at the time the Code is, in fact, amended.

Perhaps it would be sufficient at this time to indicate to you that we, as a policy field, have done the preliminary work and in fact will be in a position to make specific recommendations to government. Of course all of this will hinge on whether the Code is amended by the government of Canada.

**Mr. Lawlor:** But you haven't made any overtures directly to the Minister of Justice for Canada?

**Hon. Mr. Welch:** Not since I've become the Provincial Secretary for Justice.

**Mr. Chairman:** Mr. Drea you had a couple of other comments or questions before we proceed with Mr. Roy's questions?

**Mr. Drea:** Just one more word, Mr. Chairman.

Mr. Minister, it seems to me that since you've been accused, at least in your role as provincial secretary, of only dealing with policies that are sensitive to people, it would seem to me that in that lies the very essence of why there is a secretariat.

It would seem to me that if we are going to develop policies, particularly in regard to the points I raised a few moments ago—which concerned a form of legalized gambling and also the area of Sunday sales and uniform store hours, which one way or the other do affect every person in the province—it seems to me rather than being a criticism of the secretariat that is evidence you need a secretariat.

It seems to me that it would be asking too much of a single minister to try and denude other ministries of staff when as you say their loyalty—not only their loyalty but indeed their job function is to their own particular ministry—to have to denude them of staff to go out and take up questions which do affect, one way or the other, virtually every person in the province; it seems to me that is abrogating responsibility. If you send out people, fine as they may be, who owe no direct responsibility to the public and ask them to deal with the sensitivities of the public, it seems to me in that situation government tends to start down the inevitable trail toward being totally impersonal.

It seems to me rather than criticism, that

the fact we do have provincial secretariats that can deal, not only with the overlap—and I don't agree with you necessarily that the overlapping is a co-ordinating thing, I think when there is overlapping jurisdiction it is much more difficult to stimulate or to expedite decision making—but it seems to me if we want to have a personal government you have to have some kind of a provincial secretariat that can go out and ask the public what their feelings are. If you don't, then as I say it tends to become very impersonal; and rather than a criticism I would say that is the most profound justification for having secretaries.

**Hon. Mr. Welch:** COGP makes reference to that in the report, to which the member for Downsview made reference on Thursday, the fact that there will be a fair amount of opportunity to have some input from the public, through either the publication of green papers or whatever other vehicle people wanted to use to stimulate public discussion on matters of current importance.

I say to his credit, because he is a member of this committee, my colleague—my then colleague the Provincial Secretary for Resources Development (Mr. Lawrence)—led the way by taking his committee out of Toronto into various parts of the province to actually meet as a committee in parts of the province to have presentation of briefs, and indeed to discuss some of the issues.

Our policy field in Social Development followed his lead and went to southwestern Ontario to provide the ministers with an opportunity in one day to meet with their constituent groups and the next day for the committee to meet as a committee to hear presentations; and indeed the Justice policy field will have its first such session on May 22 when we go into eastern Ontario for that same purpose.

But in addition to that, of course, are the regular trips which ministers take in connection with their operational responsibilities. It is a very important function to provide some opportunity for public input insofar as these issues are concerned, and I know that the hon. member has wanted to underline that. We have to stress that and we have to be constantly working on that, there is no question of it.

**Mr. Chairman:** Mr. Roy.

**Mr. Roy:** Where are you going in eastern Ontario on May 22?

**Hon. Mr. Welch:** Brockville.

**Mr. Roy:** Brockville; okay.

**Mr. Minister,** I sense a certain amount of frustration on your part in trying to justify your dual role, and in fact trying to justify just basically this super ministry, this policy secretary for Justice. I suppose some of my comments have been made much more ably and forcibly by some of my colleagues.

I haven't had occasion to listen fully to what the member for Lakeshore and the member for Downsview said, but I was listening to the member for Riverdale's comments and it seems to me that one has to agree with certain of his comments in light of all these reports—I look at them here in front of the member for Downsview—these reports from the Law Reform Commission into the major changes that have to be not only in family courts, but the question of male Supreme Court judges and county court judges, and the question of the administration of the courts and so on. It seems to me that is a full-time job.

But out of the frustration that you are expressing here, the thing that strikes me is that we are still back to—

**Hon. Mr. Welch:** I didn't sense I was frustrated, just as a matter of interest.

**Mr. Roy:** Well, I sense a certain amount of impatience in answering me—

**Hon. Mr. Welch:** No.

**Mr. Roy:** —and I can understand that, because I suppose you are getting comments. But you are giving us answers here which were given to us in 1971 when we first started questioning this question of policy secretaries.

**Hon. Mr. Welch:** Shows you the consistency that runs in the field.

**Mr. Roy:** Yes. Sort of "Trust me." But certainly as lawyers and as people who judge things on evidence and not just on words, we haven't seen much evidence since 1971 that these policy secretaries, for instance in the field of Justice—

**Hon. Mr. Welch:** It started in January, 1972.

**Mr. Roy:** Okay, since 1972. We are still waiting. At least I, for one, have not seen anything in the field of Justice which would in fact justify this position of policy secretary. We are still at the point where you say "Trust me," or the other policy secretaries are saying, "Yes, it is working." The Premier

was saying again in the House how great the system is working and yet the evidence doesn't seem to support that at all. Surely after two years you would think we would see some evidence that the policy secretaries are in fact working.

I just look at what has happened since the first policy secretary was appointed in the field of Justice. I can remember Allan Lawrence. All he did was talk about offtrack betting; that's the only thing I can remember he talked about. All that the present Solicitor General (Mr. Kerr) talked about was running across the province talking about store hours. I don't agree with some of the comments made here that that is one of the useful roles played by policy secretaries. Surely you don't need a policy secretary to be getting the opinion of housewives as to whether a store should be open on Sunday or not.

I really feel, Mr. Minister, that we are still back to 1972 when you said; "Trust us. You are going to see some major changes." We certainly have not seen any since 1972.

I come to some of the comments made by some of your predecessors in the field as policy secretaries. I'm glad the member for Carleton East is here because he might comment on some of the things that were written up in the *Ottawa Citizen* about a week or so ago when they commented on the question of the policy secretaries—and in fact commented on them in the past tense as if they were something that might be of the past. It says here:

Among those sharing this view [that is the view that superministries is over] is Bert Lawrence. He talks of the policy secretariats in the past tense at times and he sees their downfall as a paradox. He says they were too efficient, they built up too much momentum and they threatened to overrun the traditional thinking in the party, in the Conservative caucus. They also cut down on the Premier's flexibility and interfered with his ability to make intuitive judgments.

I'll go on to read further comments. He might say he was not rightly quoted.

**Mr. Lawlor:** Did the member say all that?

**Mr. Roy:** Allan Lawrence is quoted here:

The former Provincial Secretary for Justice, now a federal Conservative MP, says he could see that the changes were necessary to make policy secretariats work. That is natural enough in any experiment, but he felt that the basic reason it didn't work

out as well was a matter of clashes in approach to government.

"The tradition has always been that everyone in cabinet is equal, but in practice, of course, that's not true," Allan Lawrence says. "The leader always had a trusted group around him. Premier Davis attempted to set the same thing up with people who ran against him in the leadership contest."

[He goes on:] "That was wrong, because the leader of the government comes to acquire a knowledge of people only through the experience of working with them." The federal MP said that the theory of secretariats is good, but it went off the rails because of personality clashes.

I suppose to that you might comment: "There won't be personality clash here, I hold both jobs. I won't be fighting with myself."

**Mrs. Campbell:** There might at that. Don't count on it.

**Mr. Roy:** He says:

Unlike Bert Lawrence's contention that there were no personal differences, Allan Lawrence said that he had heard of some disturbing things—real disagreements and things unresolved—but he would not elaborate.

However, in the gradual loss of policy-making power in the superministers, the end did not come suddenly with the shuffling of the cabinet last month. "I first sensed a change when Darcy McKeough, Energy Minister, and member of my policy field, was made member of the policy board," said Bert Lawrence. The policy board was theoretically only for the Premier, the Treasurer and the superministers. The second warning came when Bob Welch was given the housing portfolio. [I suppose you could say you have experience in holding two jobs]. Mr. Welch retained his job as superminister at the same time. Those two events demonstrated to me that the Premier was not committed to following the letter of COGP as a holy writ.

These are comments from people who have experience as policy secretaries and I would like to have your comments. I asked the Premier for his comments today and, of course, as he often does, he managed to talk about a number of other things besides these comments.

**Mr. Lawrence:** There is a difference between destroying a policy field and the last sentence of mine you read, about following the policies of COGP as holy writ. Obviously

the Premier is not doing that, but the motion before us is to abolish the whole concept which is neither in my words in any place nor, I doubt, the minister—

**Mr. Roy:** I think it is generally clear from your words that you figure it's not working.

**Mr. Lawrence:** No, it is being modified.

**Mr. Roy:** Sure, it is being modified.

**Mr. Lawrence:** That's what I said.

**Mr. Roy:** Allan Lawrence didn't seem to think it was working. The point I would like to make and reiterate is that you keep saying, "Yes, it is going to work." Tell me what has happened since 1972 in the justice field? What major legislation has been brought in enhancing the administration of justice in this province? If you could give me some evidence that it is, in fact, working? Surely when we are going to vote on something like \$400,000 for this policy field or this policy secretariat, the public has a right to know what the money is going for? We need some evidence that, in fact, we have established a system so that the people—I know it is hard when you are in a policy field to give itemization of where we spent the money. I see Randall Dick here. I notice he's no longer in the policy group. He has now gone over to Treasury. Who is your new deputy?

**Mrs. Campbell:** He hasn't got one.

**Mr. Roy:** He doesn't have one?

**Mrs. Campbell:** He doesn't need one.

**Mr. Roy:** Mr. Minister, I think you can appreciate our concern on voting this money and why we have to support the motion while we have certain reservations about the effectiveness of this. Especially since some of your predecessors seem to agree with some of our comments.

**Mr. Chairman:** Mr. Singer, I hope you are not moving away from Mr. Roy for any reason other than the malfunctioning of your chair?

**Mr. Singer:** No, it's about to collapse.

**Mr. Chairman:** Mr. Roy, that's your statement you wish the minister to comment on, as to whether or not the ministry is working?

**Mr. Roy:** I would like the minister to answer my question. Tell me what major pieces of legislation or what steps have been taken to enhance the administration of justice

which are attributable to the Justice secretariat since 1972.

**Hon. Mr. Welch:** Mr. Chairman, I am not sure whether the member was in when I made some comments along that particular line. Without listing all of the legislation, I think I would not be considered presumptuous if I reminded him once again that all the legislation passed by this House and introduced by the ministries within this field, in fact, went through the new system.

**Mr. Roy:** Like what?

**Hon. Mr. Welch:** I haven't got all the Acts here in front of me but surely you were a party to it?

**Mr. Roy:** You amended the Jury Act. You did some peripheral things but there's nothing major.

**Hon. Mr. Welch:** All I am pointing out is that it is quite obvious to me, Mr. Chairman. I don't know how much more I can say to attempt to change the minds of the members of the committee with respect to the reorganization of the policy fields.

Mr. Lawrence puts his finger on the matter when he points out to you that when the Premier introduced the system in 1972—if you go back and read his statement—he mentioned that he appreciated we would require some experience in working with it, to see what changes might be necessary and what modifications there might be. You now have one before you, namely the fact that he has asked the Attorney General also to assume this particular role. There are a number of modifications that would come from it.

How you measure the value or the worth of the policy field in terms of specific output emanating from the policy field becomes difficult because the results of the discussion within the policy field as it manifests itself in legislation does not come from the provincial secretary. It comes from the operating minister.

**Mr. Roy:** That's right, but we've seen very little. Mr. Renwick mentioned all the areas that cry out for some sort of reform.

**Hon. Mr. Welch:** They'll get it.

**Mr. Roy:** They'll get it?

**Hon. Mr. Welch:** They'll get attention.

**Mr. Roy:** Yes, but that's what we were told in 1972. We'll get it.

**Mr. Singer:** Could I approach this, perhaps, in a more detailed way?

**Mr. Chairman:** I'm wondering, Mr. Singer, if we might hear from Mr. Renwick. He had a couple of comments to make and we cut him off because we were dealing with just the one particular subject matter.

**Mr. Singer:** I don't want to cut Mr. Renwick off.

**Mr. Renwick:** It is really not a question of cutting me off, if there is something more pressing I just happen to have two topics that I want to discuss with the provincial secretary which are different from the topics we've been discussing.

I do have one question with respect to the very topic which we've been discussing, and that is Mr. Singer's motion. When is it likely there will be a new deputy minister appointed?

**Hon. Mr. Welch:** It is the Premier's intention to make an announcement sometime this week.

**Mr. Renwick:** I would hope so, because I can well understand that the—

**Hon. Mr. Welch:** He had hoped to announce it last week with those other appointments but it wasn't possible to do so. I think it's this week sometime.

**Mr. Renwick:** It wasn't possible, so it is imminent?

**Hon. Mr. Welch:** Yes.

**Mr. J. P. MacBeth (York West):** He wants to make sure we are going to have some money for him.

**Mr. Renwick:** I don't think he's worried about that. He appointed Randall Dick to be deputy provincial Treasurer, or whatever the particular title is, without any concern about whether we would vote the money for it. That's another question which we'll deal with in the other estimates.

I really think it passing strange that we're discussing these estimates without the deputy—unless the person is in the room or unless Mr. Callaghan is also going to assume two hats. I find it passing strange that the deputy who will be responsible for this isn't here when these estimates are being dealt with, and again it just reinforces my concern about the ministry.

There are two matters that I want to deal with, Mr. Chairman, and I'm in your hands, as I get an opportunity to deal with them.

**Mr. Lawlor:** I have one other matter directly along the line which we have been discussing, but peripheral to it, if I may. In the report on family courts—and I'm not going into the report, Mr. Chairman—it makes it quite clear, both in the reorganization of the courts volume and in the separate distinct volume, that in the family courts there are five ministries involved, three of which you have under your overall purview and the other two, Community and Social Services, and I believe Health, have a very eminent role to play in the operations of the family courts. That's very obvious.

How do you set up liaisons with them? Do you, when you're discussing the reformulation of the possible policies you adopt in that area, call these other ministers in to sit with you? Where do you get your input from the wider areas, in other words, over against the nice little cabal that sits on Thursday morning?

**Hon. Mr. Welch:** I would like to give you examples on the basis of past experience. There are other areas of policy development which in fact have overlapped into other fields, and of course the simple answer to your question is yes, that the ministries are, in fact, involved and asked to join in the discussions, as would be representatives of the secretariat in which those ministries are located.

**Mr. Lawlor:** Through the secretariat—and you have done that?

**Hon. Mr. Welch:** Yes.

**Mr. Chairman:** Continue, Mr. Renwick.

**Mr. Renwick:** There are two matters I want to deal with and I don't want to deal with both of them at once. I'm quite happy to deal with one and perhaps other members of the committee would want to comment about it. I'm sure the member for Downsview and my colleague from Lakeshore, and others may very well want to.

It's the question of the state of administrative law and administration in the province in the light of the implementation of the McRuer commission recommendations. Very briefly, I wasn't in the assembly when the Bill 99 furore blew up—I came into the assembly at the following session—but out of that, of course, was the appointment of the McRuer commission on civil rights and then, in 1970-1971, there was a great spate and the tag end of the implementation of a great number of the McRuer recommendations. But basically—

**Mr. Singer:** Of the secretariat.

**Mr. Renwick:** Basically, I want to deal with the administration, maladministration and administrative law in the province to open up two or three fields, because I'm afraid about the rigidity and the inflexibility which has crept into the government's approach in the whole field of administrative law and the control of the administration as such, from the point of view of the individual citizen who is affected by the decisions of the administration—ministerial or through the tribunals.

Very briefly, of course, the result was the Statutory Powers Procedure Act. The Public Inquiries Act was amended. There was a third one which was the—

**Hon. Mr. Welch:** Judicial Review Procedures Act.

**Mr. Renwick:** —Judicial Review Procedures Act. I take it that for practical purposes the government opted for the procedural route to protect the citizen of the province against the activities of the ministers, or the activities of the various tribunals in the province. It opted at the expense of a provincial bill of rights on the one hand, or at the expense of an ombudsman or a parliamentary commissioner—a matter very close to my friend the hon. member for Downsview.

It seemed to me that in opting for that choice, the government was not necessarily wrong. But indeed, the areas which the McRuer commission dealt with were essential parts of the fair hearing procedures, which were necessary where the government was exercising what was defined in the statutes as the statutory power of decision.

But the emphasis on that, to the exclusion of the necessity in the Province of Ontario for a parliamentary commissioner and for a bill of rights, is the matter which I want to raise very briefly along with two or three other matters.

When we look at all of the amendments that have flowed from the McRuer report, in relation to the specific statutes which have been amended, we have been immensely involved with the licensing procedures and in establishing appeal tribunals with respect to the failure to issue a licence, or the non-renewal or the cancellation or suspension of someone who holds a licence or a privilege to perform a particular trade or occupation in the province.

Setting those aside, the areas where we are still in, I believe, substantial difficulty with

respect to the protection of the citizen, is regulatory legislation controlling the use of land in all its aspects, and the rights of the citizen with respect to that regulation. There are two aspects of it.

I think we have not made substantial progress toward administrative justice in the field of the procedures which relate to that kind of legislation which distributes cash benefits to various people as a matter of right, and the procedures which are involved with respect to their entitlement to participate in the programmes that provide for that kind of cash benefit—be it workmen's compensation or be it family benefits legislation or other similar legislation.

We are certainly a long way, I believe, from procedural protection for people in the whole field of provision of services, be it education, health, special services for people or legal aid.

The reason I think we need to concentrate now, and to ask the Provincial Secretary for Justice in this next year to look at the fields which I have referred to, is that the procedures are not as yet established, understood and supervised to make certain that in the working out of administrative justice in the three basic areas to which I have referred, the citizen is in fact protected.

I think, for example, that we have proliferated many tribunals in the Province of Ontario with some kind of decision-making power. I'm the first one delighted to note that the writers in the field of administrative justice are getting away from that division that I never understood—Randall Dick undoubtedly did—between administrative decision, judicial decision and quasi-judicial decision, which bedevilled the whole field of administrative justice as far as I'm concerned.

But I want to make it clear that in the field of entitlement to cash benefits under legislation of the province, in the field of regulation with respect to land use—in its very broad context, including undoubtedly questions related to rent control—and in the field of legislation relating to education, health, legal aid and special services, that the procedural protections are not nearly as good as they should be, and were not a subject of direct and minute attention by the McRuer commission and need to be looked at again. In most of the instances which I am now speaking about, the person is not in the same position as a person who is protecting his right to practise a particular trade or occupation. He is still very much in the field

of a supplicant to the government, rather than a person entitled to actual rights.

Well, I want to say that when the amending bills came into the Legislature—the Statutory Powers Procedure Act and the two other bills which came into the assembly—I tried to indicate to the then Attorney General at that time, Allan Lawrence; or was he Provincial Secretary for Justice? I'm not certain.

But when those bills came in, I tried to indicate that it was not only the redress of the citizen with respect to something called a statutory power of decision, because that was imbedding into the system this whole question of whether or not the decision being made was judicial or quasi-judicial in its nature to bring into force the various procedural fair hearing safeguards, which were so much a part and parcel of the McRuer operation.

But I said there was something else that was not being attended to; and that is questions of maladministration.

I think we've got to get perfectly clear to the committee and to the Provincial Secretary for Justice that when we talk about an ombudsman or a parliamentary commissioner, we are not talking about administrative law. We are talking about an area where there is no legal remedy. We are talking about questions, basically, of maladministration.

There may be in certain cases an opportunity to go to the courts and say that maladministration amounts to a lack of jurisdiction or is an ultra vires decision of the particular tribunal that makes the decision; but I think it is very significant that in the legislation in Great Britain setting up the parliamentary commissioner, it specifically prohibits him from investigating any action in respect of which the complainant had a remedy in any court of law or a right of appeal, reference or review before any statutory or prerogative tribunal. And there is a qualification that even in those situations, in a particular case if it's not reasonable to expect that the complainant would have resort to the legal remedy, that the ombudsman can perhaps deal with it. But leaving aside for the moment the exception, the important area where the citizen is not protected in the Province of Ontario is against the kind of maladministration that the ombudsman or the parliamentary commissioner in Great Britain is the citizen's protection.

I think if anyone now looks at the reports of the parliamentary commissioner in Great Britain and looks at the work of the select committee of the House of Commons to

which the parliamentary commissioner reports, and the work of the select committee of the House of Commons dealing with it, one will see very, very clearly that not only does the select committee examine the parliamentary commissioner on his report, they examine the very departments that he criticizes; or the very departments in which the particular issues arise which have led him to categorize it as maladministration.

And the Parliamentary Commissioner Act refers to this term "maladministration"—nothing to do with administrative law—"maladministration." It is quite true they don't define it but the key word in the statute is "maladministration."

I'm saying to the Provincial Secretary for Justice, it seems to me that having implemented to a large degree the recommendations of the McRuer commission and the term "ombudsman" having almost gone into disuse in the province—the term "parliamentary commissioner," because I think even my friend the member for Downsview missed a couple of years when he didn't introduce this bill because it seemed to be presumably—

**Mr. Singer:** No, I think it has been in every year since 1965.

**Mr. Renwick:** Every year? I give him full credit for that.

**Mr. Singer:** And again this afternoon.

**Mr. Renwick:** Yes. The member told me he had introduced it this afternoon; that is why I was so pleased because the matter was one which I wanted to raise.

It seems to me now essential that the Provincial Secretary for Justice look again at the question of the essential need in the Province of Ontario for a parliamentary commissioner. I think the experience in Great Britain would be of immense value and, I'm quite certain, so would a discussion with the parliamentary commissioner in Great Britain, bearing in mind that all of the matters referred to the parliamentary commissioner come through the members of the House of Commons. Apparently that has worked very well in Great Britain.

**Hon. Mr. Welch:** Would you repeat that? Is it the case that he acts only at the request of a member of the House of Commons?

**Mr. Renwick:** Of a member. The relationship to the—

**Mr. Singer:** That's just one part; there are variations.

**Hon. Mr. Welch:** That's in Great Britain?

**Mr. Renwick:** Yes, I'm talking about Great Britain because I think in many ways, because of our historic connection, there is a great deal we can learn by patterning ourselves on the way in which the parliamentary commissioner has operated.

I think it is very significant that the parliamentary commissioner is not a lawyer in Great Britain. He happens to be a highly respected senior civil servant or former civil servant with an immense knowledge of the operation of government. It was felt that in dealing with the particular members of the House of Commons who refer the matters to him for consideration it would be a good idea to get away from a lawyer and that it would be easier for a non-lawyer to deal in day-to-day terms with respect to something called maladministration.

I'm not talking about malfeasance; I'm not talking about that kind of operation. I'm talking about the unconscious bias which may enter into a decision. It may be that while the ministry doesn't give advice to people, it may have led persons to take action which has regulated in a loss to the person who took the action. There is no legal claim but in many cases the parliamentary commissioner has made an award in favour of the person who acted, relying on something called good faith, on the result of his discussions with the ministry.

It seems to me it is absolutely essential that we look at that question.

I'm not going to belabour the third aspect of it. I happen to be one who believes that to complement the McRuer system in the province, in addition to the parliamentary commissioner we should have a provincial Bill of Rights.

Someone can say if you pass a provincial Bill of Rights it is no different from any other statute; it can be repealed and all the rest of it. But the Bill of Rights in Great Britain is an Act of the Legislature and it is not likely to be repealed. Neither is the Habeas Corpus Act which is part of the province of Ontario's legislation. It is not likely to be repealed even though it is only a statute of the Province of Ontario or this jurisdiction.

I think it is true that the federal Bill of Rights, introduced by John Diefenbaker, is becoming a fairly significant part of the basic framework of the citizen of Canada insofar as federal aspects are concerned. I simply say to the provincial secretary that when he is giving consideration, if he would, to the parliamentary commissioner problem and the role that the person would fulfil, he also look

at the other side of the coin and indicate whether or not some consideration may not be given to this question of a provincial bill of rights.

**Mr. Roy:** Have you seen mine; I have a Bill of Rights.

**Mr. Renwick:** Oh, I'm sure that these matters have been raised on a number of occasions. The hon. member for Ottawa East has a bill dealing with it and it's been dealt with by McRuer in his report. But again it seems to get sidetracked in the selection by the government of this procedural method of a fair hearing, which of course is an important and essential part of any operation of administrative justice.

I think there are two other matters that need to be looked into—

**Mr. Lawrence:** Mr. Chairman, before the hon. member for Riverdale leaves that—

**Mr. Renwick:** No, I am talking about the same matters.

**Mr. Lawrence:** On the parliamentary commissioner?

**Mr. Renwick:** Yes, I just want to tidy up because there are a couple of other aspects in the same field of administrative justice that I want to look at.

The members of the Legislature who sit on the standing committee, which is required by statute with respect to regulations, will tell you—and I'm not suggesting we have to worry that this is a matter to be dealt with by the Legislature under its rules; it's much more basic than that kind of question—they will tell you that the role which they perform in looking at the delegated legislation, as it is enacted in the regulations of the Province of Ontario, is one which is useless in the framework in which it is put to that committee. I think there is absolutely no question about that. And the reason for it is there is a very dry-as-dust approach to the question.

Again, I think we can learn a lot from the House of Commons in Great Britain. I'm not suggesting for a moment they've found all the answers, because they haven't. As a matter of fact, as I understand it, they have recently set up another committee to look at this whole question of the supervision of the enactment of regulations by way of delegated legislation.

But it is quite fair to say that in Great Britain they look at something called the reasonableness of the regulation within the framework of what was intended, not whether

or not the legislative counsel can so draft the last but one section of the Act, giving the regulatory power, and draw it so broadly that practically anything can be passed by way of a regulation and, unless one is a genius in the topic, can be held to be *intra vires* of the regulatory power; which is the role assigned to that committee and which the committee can't possibly perform.

The basic question is the question of reasonableness of the regulation, having regard to the intention of the Legislature—that much-maligned word—of which the legislative committee members are a part and parcel. They should therefore know more about what that intention was so that they can raise questions of the reasonableness of the regulation with respect to the intention of what was required.

In Great Britain, as I understand it, on many occasions regulations are looked at from the point of reasonableness, and when the report is put forward they indicate that they're not reasonable, that they're unreasonable having regard to what Parliament intended. I happen to think we're in grave danger of allowing statutory regulations to be passed without any more supervision, in any meaningful sense, than we've ever had in the province.

I'm not suggesting for a moment that we go to the United States system of a requirement to publish them in advance and to have hearings with respect to their enactment. It may well be that in certain fields that is a significant step forward. And I notice in the new Health Disciplines Act there is an actual provision which says, as I understand it, that any new regulations will be referred to the particular profession concerned before they are enacted as such.

All I'm saying is that I don't know what are the various answers to the problems, but I think that the Provincial Secretary for Justice, in terms of administrative justice in this province, has got to look at that statutory committee, the terms of reference to it and the guidance that must be given to the committee, because if it is still going to have the guidance which is relayed to it, either by the legislative clerk or by the legislative counsel as to the extent and ambit of its authority, then you might as well disband that committee and save the members time because they can't accomplish anything.

One of the other two matters that I want to refer to is that I want the provincial secretary to look at the whole question of the freedom of information—or as it is col-

loquially known in the United States, the right to know. But I would like the provincial secretariat to look at it in terms of the reversal by the House of Lords of the decision in Duncan and Camell Laird in 1942 which was, for practical purposes, reversed, if my information is correct and my reading is correct, by Conway and Remmer in 1968 on this whole question of whether or not the minister can claim ministerial privilege with respect to information which is involved in it.

I don't know what the state of the law in the Province of Ontario is, but part and parcel of administrative justice is this whole question of the freedom of information in relationship to access to government information, to overturn the tradition of the privacy of that information and that it should not be made known to the citizen. I think it is more than a question of law. It is a question of attitude and response to that question of ministerial privilege which, thank goodness, was apparently reversed in 1968 in Great Britain.

My last comment in this particular field is that they have in England an Act called the Tribunals and Inquiries Act, which deals both with tribunals and inquiries. They have a council which they have established, and because of the proliferation of bodies which carry out these various functions—and I think it is very apt in the Province of Ontario, considering the multiplicity of them that we have established one way or another—that council, I think composed of 15 or 20 people, has specific responsibilities to make certain there is some kind of cohesion and co-ordination in the way in which all of these various tribunals act, to make certain that in fact they carry out the precepts which are laid down with respect to fair hearings, with respect to proper representation, with respect to the way in which they perform their function.

I don't want to be misread on this; I don't believe that in every sphere of this kind of process you must go to the strict form of adversary system with a full and complete record, which is the road which the United States has gone on. I think there are advantages and disadvantages to that method, but it has an overall supervisory role with respect to the way in which these various avenues that a citizen has with respect to his rights or his complaints against his government are dealt with by the government, and it is very interesting to note that the parliamentary commissioner, as I understand it, sits as an ex-officio member of that particular council.

As I say, there is nothing original in what I have said. Probably I have plagiarized, over the years, a great number of other people. All I am simply saying is that a number of these matters are matters where the information is readily available and the experience is readily available. I think we have a definite relationship with the way in which the House of Commons has dealt with many of these topics, both legislatively and internally in the Legislature, and my simple plea to the ministry is that the needs of administration have only been well but partially met by the implementation of those portions of the McRuer report which the government has chosen to implement in those various fields. I want to make sure that the field of administrative justice in its broad sense, including administrative law and maladministration in the sense which I have used those terms, and the question of the Bill of Rights and the relationship of the citizen to the government where he is affected by some kind of a decision or a regulation or something else where the relationship with this government is such, that we in this province have not lost sight of these other areas and where they will be given primacy so that we can establish here a full and complete fully-fledged system of an adequate, diverse and apt system of administrative justice.

I have one other topic, but I'd like to deal with it at some later time because I would hope that the provincial secretary would comment and perhaps some of my colleagues would comment about some aspects of this matter.

**Mr. Chairman:** Mr. MacBeth, is your point on this?

**Mr. MacBeth:** No, Mr. Chairman, my remarks are more general in dealing with the overall secretariat.

**Mr. Singer:** I want to speak on this.

**Mr. Chairman:** Excuse me, Mr. Lawrence has been indicating for some time.

**Mr. Lawrence:** I want to speak specifically to the remarks of the member for Riverdale.

**Mr. Chairman:** Would you like to continue and would you like to reply later, or would you like to reply now? Maybe we could hear from Mr. Lawrence and then Mr. Singer.

**Mr. Lawrence:** I would like to say that as a private member I would want immediately to associate myself very strongly with the general tone of the remarks made

by the member for Riverdale, primarily as to the parliamentary commissioner question, secondly as to the right to know; and thirdly I have an overriding interest in the question he raises as to the essential operation of tribunals, and one can see it is certainly in the field of environmental impact where the debate is very current.

I want to associate myself, though, to the degree that it is relevant, to the issue raised by the member for Downsview. Because to me those items I have mentioned are three typical issues where I would enter a plea to the Provincial Secretary for Justice that these are grist for his mill. I look at the different ministries involved, and there are groups of them—three or four ministries in one case; three ministries in another; six in another—those I would suggest are surely grist for the mill and the basis for the purposes that the secretariat exists.

Therefore, I would suggest to the member for Downsview that rather than say "Chop off his head" to the provincial secretary, that essentially as I understand the member for Riverdale he says that these are things which are grist for the provincial secretary's mill and for the role of his secretariat, and now the question is to criticize him as to whether or not he does it.

But if you raise issues having this relevancy and having this breadth, it doesn't seem right to me to say they should be dealt with, and then say at the same time that the best vehicle for dealing with them should be destroyed.

**Mr. Chairman:** Mr. Singer.

**Mr. Singer:** The member for Carleton East makes an interesting point.

I was going to start by saying that in his remarks the member for Riverdale presumes that my motion will not succeed, which is probably a reasonable presumption. On the other hand, we get so few occasions within the legislative procedure to protest and to indicate our displeasure of the functioning of the system, that I believed when I moved the motion, and I still believe, that the motion should stand even though I don't think it really has much chance of carrying.

If there is any validity, and I'm plagiarizing a few of the remarks of the member for Lakeshore, if there is any validity in the secretariat system, then the validity has yet to show itself in the two years that it has been running. There has been nothing that I have seen that has come forward from the secretariat that warrants its continuation.

My very strong feeling in moving this motion is that when the secretariat is combined with a very busy and very important job, it makes the whole suggestion of programming absolutely ludicrous. I just can't see any way in which one person who has as responsible and important a position as the Attorney General is possibly going to be able to devote himself to serious and important inquiries into some of the fields that the member for Riverdale has just addressed himself to.

I agree with him that the whole idea of a bill of rights is something that should be looked at; looked at very seriously; looked at by a minister who has little else to do except make this kind of inquiry. I don't see that anyone is going to have time to do that, least of all the Provincial Secretary for Justice who is at the same time the Attorney General.

On the question of a parliamentary commissioner, the member for Riverdale suggested that I had lost heart over a couple of years. I lost heart to the extent that I didn't ask that the bill be placed on the private members' hour for debate, because I got a little bored with repeating the same words year after year and not seeing any results, although at one stage one of your predecessors as Attorney General did indicate to me privately that he had some substantial interest in the suggestion and was perhaps preparing draft legislation.

Well, it was a private conversation. It never came to pass. There was no public legislation introduced, and again we are going to have another whirl at it. This time I will ask that it be put in the private members' hour and we will have another go at it.

I don't know whether the Provincial Secretary for Justice read the page in the *Globe and Mail* on Saturday. In Saturday's *Globe and Mail* they have columns from around Canada and there was one dealing with the Province of Alberta and the retirement of their parliamentary commissioner and their appointment of a new one. Fascinatingly, when Mr. McClellan was first appointed—he was a retired commissioner of the RCMP—some of us who thought about it wondered whether or not a retired policeman was a proper person to put in that position. But from all the reports that I have read and from comment I have had from people from Alberta, he seems to have carried on his function in a reasonable way.

Some of the quotations attributed to him in that article on Saturday were about the importance of his office. He made the dis-

inction that the member for Riverdale made, that he was not seeking out miscreants or criminals, but that he was seeking out people who maladministered. He was finding that as civil services expanded that civil servants had less and less time to talk to the public. I think he used the phrase "stiff-necked." In the press release that I gave today, I quoted some of the comments of Mr. McClellan and suggested that if they existed in Alberta it was at least possible they existed in Ontario as well and that a parliamentary commissioner could well have the job of looking into them.

When his successor was chosen and nominated by the government of Alberta, which really is not known as a left-wing or radical kind of a government, it was interesting to note that the new appointee had spoken, I gather publicly, to the Legislature or to members of the Legislature and that the members of the opposition applauded him for some of the ideas that he was going to bring into the new office. I think that the time is here with this huge monolithic civil service, that adds 20 per cent or 30 per cent every year, that we could and should have this kind of protection available to members of the public. I am very pleased that the member for Riverdale saw fit to talk about it this afternoon.

I must admit some guilt for the regulations committee. It was one of the suggestions I put forward in 1965, although I never envisaged that it be set up and function in the way it does. It was one of the ideas accepted, I think, by Mr. Wishart. However, in the drafting of the legislation, if you go back to those debates, we bemoaned the way in which the legislation was drafted. As it functions today it is absolutely useless. We might just as well have a bunch of legal advisers saying, "Yes, it is in accordance with the general regulatory section contained in every statute," and let it go at that. Dragging members of the Legislature in to perfunctorily perform that kind of duty is a thorough-going waste of everybody's time and serves no useful function whatsoever.

The idea of a tribunals and inquiries statute—

**Mr. Renwick:** Yes, and councils'.

**Mr. Singer:** —makes great good sense to me. I just wonder whether the Provincial Secretary for Justice has time to look at the kind of statutes that we are putting through. There are two of them that are before the House.

Let me go back in a little further. Not too many years ago, there was an appeal system set up within the Ministry of Health and I had occasion on behalf of a constituent of mine to attempt to use it. There was a lower tribunal and a higher tribunal. I am not going to belabour the committee with the facts of the case, but it is one which I thought was meritorious.

I found to my great surprise that, notwithstanding the statutory provision, neither of those tribunals was functioning. The first one met once a month for an hour, and eventually it got called together to deal with this particular complaint without the complainer being there, without the complainer having any idea what had gone on. The second one had never met before—and it was a terrible trauma to get the thing functioning at all. Finally the minister intervened, and a method of accommodating this complaint was, in fact, worked out.

So, there was a statute that provided an appeal procedure, that wasn't being looked after by the department that was charged with it. The Legislature had said "that shall be it," and it just wasn't being done. And there was no satisfactory way of the person who found himself in the position of my constituent, of availing himself of the provisions of the statute.

Surely, instead of months of agitation, a great stack of letters, many private conversations with the Minister of Health and his parliamentary assistant, there should have been a quick and ready way to say: "Here is a person with a grievance, here is what the statute says; go ahead and deal with it on that basis." There just wasn't; and it didn't appear to make any difference to anybody. So I took the lesser way out by keeping after the Minister of Health until finally he worked out some kind of an accommodation. Now that shouldn't be. And that is the sort of thing that a parliamentary commissioner could and should, in fact, inquire into.

There are two statutes presently before the House, and I wonder if the minister has looked at them in any more than general terms and looked at the question of principle. The Health Disciplines Act that was introduced involves a so-called new system for dealing with grievances that members of the public may have against persons who are in a particular discipline.

You are going to hear about this when the bill, if it comes forward in its present form, is called for second reading. But are you aware, and shouldn't you have been aware

as Secretary for Justice, about the injustices that are written into that statute?

The grievor is not allowed to appear at the first level or the second level; is not entitled to be represented by counsel; is not entitled to get copies of the documents that are made available to the two committees to the two bodies; is not entitled to even get reasons for a decision that is made. Surely in this day and age we are not going to enshrine that principle into a new statute that has just come before the House.

Now that is something that the Secretary for Justice, I would have hoped, would be alert to. Now it is not too late; that bill hasn't been called for second reading. I would urge the minister in his capacity as Secretary for Justice to have a very good look at those complaint procedures, and see whether they meet with his ideas of what justice is. They don't meet with mine.

And there is another statute before the House; this one dealing with land speculating. Are you aware that the statute gives to the minister power to descend on someone he suspects of having committed an offence under the Act to seize his papers and to examine them? That is fine—that is somewhat in keeping with the provisions of the Income Tax Act.

But having done that, if the minister—and I use the minister in generic terms—becomes aware of the fact that something else might concern another department of government, the minister can take those documents he seized apparently under this Act and refer them to another department of government, or refer them to any federal minister, or refer them to any ministry in another province who might find themselves interested in it.

Now, is that in keeping with our ideas of justice? But that is there. That is before the House. And one would have wondered whether or not the Secretary for Justice should not have principles in mind the like of which the member for Riverdale was talking about, and should have stopped that kind of legislation coming before the House. You see this is why the motion is here. I just don't believe that the secretariat as originally conceived by COGP was meaningful, because in the two years' time that has elapsed since it was created, I have not seen any concrete examples of production of results from the secretariats. It is all very well for my good friend, the member for Carleton East, to say little do I know, and it all goes on behind closed doors. I questioned him about that. But now you add insult to injury when you

combine a secretariat with what should be one of the busiest portfolios in government, certainly one of the most important ones. Who is watching the store? In so many instances, we get the impression that nobody is watching the store.

I underline the philosophy that lies behind my motion: The latest effort by government to combine these two portfolios is a disaster. There is so much to be done, and if there is a minister kicking around who is capable of dealing with the kind of problems that we've been talking about, perhaps there is some justification for having a continuing secretariat. But the experience we've had just doesn't indicate it.

**Mr. Chairman:** Mr. MacBeth.

**Mr. MacBeth:** Mr. Chairman, just a few remarks about the parliamentary commissioner. I have enjoyed the discussion that has taken place, and I think it has been very valuable.

It's not quite the way I see government working. I admit that none of these things works to perfection, but it seems to me that the remedy for an injustice should lie within the ministry itself. I would hope that simply bringing it to the attention of the minister would in most cases—and, I would hope, in all cases—remedy any apparent injustice.

I'm not necessarily opposed to an ombudsman or a parliamentary commissioner, but it seems to me that it might work very well for a period of time when it's a new broom and it comes in with fresh ideas and fresh energy. But I have the fear that in time it too would just become another department of government and, to use Mr. Singer's words, "just as stiff-necked as anything else" as well as being just one more bureaucratic department that you had to go through.

I don't know how any ombudsman or parliamentary commissioner that you might set up could be kept fresh, full of vigour and full of enthusiasm and not become, as I say, just another department of the government. There is the example of the regulations committee, which in effect was set up with a purpose but hasn't performed it.

Where the ombudsmen and the parliamentary commissioners have been set up, they have probably worked pretty well so far. But my regret is, firstly, that we should need an ombudsman and, secondly, that some day—maybe many years in the future—we may need an ombudsman to protect one against the ombudsman.

I don't mean that I am necessarily opposed to it, but I would hope that the remedy could be found in our present framework rather than setting up another department.

**Mr. Chairman:** Mr. Drea.

**Mr. Drea:** Well, Mr. Chairman, perhaps I can shed some light on this. I want to say that I associate myself a very great deal with the member for Riverdale. I was, for a considerable period of time, vice-chairman of one of those appeal tribunals. I was also the acting chairman for quite a while. I must say that having filled that role, I find myself much more in sympathy with his proposal and not so much in favour of the ombudsman.

It seems to me that the methodology of the situation is that there has to be a rather open and a rather easy-to-get avenue of appeal within the ministry. And it seems to me that the administrative tribunal or the quasi-judicial tribunal admirably fills that role. I am very impressed with the proposal of the member for Riverdale that there should be a supervisory body over that.

One of the difficulties in the question of a tribunal is that it is not—and it isn't intended—as a court procedure. It's intended to be something much less formal, perhaps much faster. The difficulty that they are finding in the United States now with building in all these tremendous protections into each and every tribunal is that they are bringing them closer and closer to the formality of the court. I think that his proposal for a watchdog over the tribunals is eminently more practical than that of the parliamentary commissioner. I don't want to disparage the experiment—I shouldn't say experiment. It is a programme now in the Province of Alberta. Certainly throughout the term of that, there has not been the amicability there was at the end.

Again, in Nova Scotia, there has been some difficulty with this. I think, along the lines my friend from York West has said, one of the difficulties is that if you set up a parliamentary commissioner or an ombudsman you will have to build a bureaucracy which eventually will have to be somewhat comparable in size to that of the bureaucracy it oversees. One person and one small staff simply cannot handle that type of volume.

That is why I favour the administrative tribunal appeal because it is easy to get to and can be relatively informal. Yet having performed the job, I realize the need for supervision. Quite frankly, I think this is a new area we are entering in government and I think, again, as my friend from Carleton

East has said, this is an area which can only be examined properly by the vehicle that is yours as the Provincial Secretary for Justice.

What concerns me about the ombudsman is that when it started in England—and it started with the best of intentions—one of the newspapers there took a simple case. They phoned the ombudsman or the parliamentary commissioner and were told he was out to lunch. That was the reply they received on the telephone. I think that was, of course, an unfair comparison because the *Daily Express* at that time was doing its own kind of work in this field. But, still, it shed a little bit of light on the question of setting up one super supervisor.

To supervise the number of ministries we have, and the impact of government now on citizens in virtually every aspect of their lives, I think the administrative tribunal, because it can be set up to meet the specific problems or problem areas that the ministry will encounter, is a preferable system. Also, I think it provides much easier access to the courts if there is denial of natural justice whereas, with the ombudsman concept, I think you are putting your fate almost in one person's hands.

I am not questioning that your case is being handled by good hands. What I am questioning is this setting up of the watchdog. I am rather afraid I come around to the summation of the member for York West—eventually, as it grows, you have to set up someone to watch that and then you set up someone else, whereas I don't think you would find that in the tribunal system.

I think, as the member for Riverdale has suggested, that a body is something we should be looking at because not all administrative tribunals are the same. Some of them may meet only once or twice a year; some of them may meet very informally. Others may be in fields where they are in public view all of the time. I think the type of thing he envisions is one well worthwhile our studying. I realize he has accommodated the idea of the ombudsman and that he or she would be an ex-officio member of that board.

I echo again my friend from Carleton East's remarks. When you have something that would span every ministry of the government—in fact a lot of things that are not necessarily ministries but I use ministries for the procedures of reporting to the House—I think it is the job of a secretariat like yours to evaluate it. I can't see how one single ministry or interministerial committee can do it. If you are going to have to set

one up you are going to have to set up the most massive interministerial, inter-tribunal, inter-everything committee there ever was.

I commend it to you for your study, I associate myself with him, but I also say it underlines the importance of your task.

Mr. Chairman: Mr. Lawlor.

Mr. Lawlor: But to put it figuratively, Mr. Chairman, the government, and particularly the departments of justice within the government, are suffering from a vast oedipal complex. Perhaps to change the figure of speech, they looked into the eye of the basilisk and they froze. The eye of the basilisk in this particular case is Mr. Justice McRuer.

It is a case of a great and good man of enormous intelligence, so overriding, with such power of intellect as to have caused a certain paralysis in the pygmies. What you have not done and what the government did not do—and it is high time that you altered your policies, particularly as you are the policy minister—is to look upon that report critically. You have embodied most of the recommendations and they have to do with the interstices of justice.

Mr. Justice McRuer read Oliver Wendell Holmes' book on the common law, somewhere along the road in my opinion, and in there Holmes says that really, if you look at it, human freedom is basically safeguarded by procedural techniques. It is in this area, not in the area of substantive law, that human beings get hurt and their liberties are basically constricted.

There is truth to that and a point to it, and when it came it was valuable. You have moved into it but it is not enough. I have sensed throughout, pretty much, that it is not enough. I reverence him but I don't think that it should be a case of idolatry, and this is a case of an idol of the tribe now. So your own functions, your own initiatives, should come back into play.

What did he do with an ombudsman? He dismissed it, didn't he? He wanted to have municipal ombudsmen. At the provincial level each of us members are deemed to have competence in this regard. Each of us members know damned well we haven't competence to get into the innards of government. The doors to get to the heart of many matters which could stand solution are barred, they are not open to us.

We should have such a person to call upon. To downgrade and dismiss the appointment, over against some ideological theory that the good judge has that procedure will solve

everything, is simply not to have faced the contemporary world with all its complexities. The business of saying that within the ambit of the courts all our human ills can somehow be rectified, which permeates the documents that we will be speaking of very soon, and that setting up a particular type of appeal court in order to handle judicial review issues and to take them up from the tribunals into that particular area is the elixir or the solution to our difficulties, simply omits or doesn't face the fallacies, the misdirections and the malfeasances that occur, and which the law does not, because of its ham-handedness and its inability to deal with many delicate things, afford sufficient flexibility or sentience to. Such a body as an ombudsman must be given good consideration.

In the area of a bill of rights, as I recall, Mr. Justice McRuer did draft one, but he gave it no great emphasis because of this predilection on his part, which we ought not to share at this time. Having brought his major recommendations into being and seeing their efficacy—they are great and fine, and he should be honoured in this province; this man made a singular contribution—but to be hamstrung by them, and to be paralyzed in our future work because of them, and that's what has happened! He has exhausted the energies, at least within the departments of justice in this province. To be mesmerized by McRuer is a fallacy that must be overcome.

I think you have sufficient independence of mind and thrust to do precisely that, and to move into the various areas that have been made where you get a more substantial kind of concrete law, not just working on the outskirts as to what may be presented and whether cross-examinations may be held and a hundred things.

In some ways I will go even this far: Some of these methods in some tribunals are constrictive of the operation of justice, suppressive of the full development of the evidence that may otherwise be important. It is too legalistic. It is too much an emphasis upon the constrictive aspects of law, taken as such.

Let's introduce a larger humanity into this thing and see how the complexities and the ills and the miseries bred by the very business of bringing in what are otherwise the deviative features breed certain types of twists and certain types of unnecessary constrictions in the system. What can they give you? Let's move into that area, that's the new field, that's the real positive direction. Then this jurisdiction which prides itself in McRuer, as it should, can come into even possibly greater enlightenment. That's the way I see the

situation as it stands at present and it will permeate our discussions for the next few days.

**Mr. Chairman:** Mr. Roy, did you wish to comment before the minister responds?

**Mr. Roy:** Yes, I just wanted to make one comment, Mr. Chairman, on the bill of rights, because comment has been made sufficiently on the question of the ombudsman, or the administrative tribunals. Having read the McRuer report and having seen the setup of the administrative tribunals, I've seriously questioned whether a bill of rights a few years ago was necessary. But after having sat here as a member and seen the type of legislation that we're passing in this House, and because of the sheer lack of numbers in the opposition sometimes because people are busy elsewhere, it's always been my opinion that legislation passed in this House very often has not received the type of scrutiny that it should.

For instance, I find legislation sometimes receives far more scrutiny after it's passed and you get some committee that's looking into it, whatever group is affected, and they bring out loopholes in the law.

The second point which concerned me was the fact that much legislation was avoiding committees, in the sense that we were not getting a chance to have public input on it. I was greatly concerned about that, especially when we were passing legislation, for instance, as we did last year, such as a bill called Planning and Development in Ontario. All our colleagues here know the number of amendments that were brought in, and the deputy knows about our comments about that particular bill.

But the fact still remains that here was a bill dealing with land in which, effectively, you could tell an individual, your land which is presently zoned, let's say commercial, has now become parkland. And that's it, my friend, there's nothing that you can do. They were, in fact, sterilizing that land and the individual had no recourse whatsoever.

I was greatly concerned about that type of legislation, just like I am about the legislation dealing with the speculation tax. These are all, I suppose, necessary areas the government must move into. But again it affects the individual more and more. And so, what protection does he have?

The second point that made me lean towards the bill of rights was the regulations. I was appalled by the number of regulations that are passed. One only has to look at those blue books that we have, the Revised Statutes

of Ontario, to see the fantastic amount of regulations that are passed which nobody knows anything about, except the fellows, very often, who are affected by them. They come back and bitch about it and there's nothing you can do. I sat on the regulations committee once and I can tell you, Mr. Chairman, once they told us that in our terms of reference we could only look at whether the legislation was in the four corners of the Act, which effectively meant that we had to read the Act to find out whether it was in the four corners, and that we could not look at the merits of the regulations. It was a completely useless function.

And so the reason that I lean toward a bill of rights—and I've presented it twice now, an Ontario bill of rights—is because of that type of legislation under which the individual has really no recourse. Secondly, I wanted to effect regulations so that if an individual felt he was affected adversely by certain types of regulations he could, under the bill of rights, effectively challenge it, which he can't do now. The beauty of a bill of rights is that it remains open. As long as you have it on the books, some enlightened individual who feels that he's being affected can get a lawyer or he can get somebody else to represent him—in other words, you can have as many ombudsmen, I suppose, as you have individuals that are affected—and to challenge the bill of rights. We've seen the Bill of Rights, for instance, at the federal level, Mr. Chairman, where originally Diefenbaker's bill, after it was presented, had very little meaning until the Supreme Court of Canada finally bit into it on the question of the Drybones decision and other decisions. Finally we are starting to put more and more emphasis on it.

I say that the same thing can happen at the provincial level without having to create all sorts of other tribunals, because I think there is some merit in the member for York West's comments about the fact that if you start establishing too much bureaucracy, you need bureaucracy to look over the other bureaucracy.

At least with the bill of rights, you don't have to establish it; you have the tribunals there. You can challenge it in the courts.

If the government itself feels that it is coming in with a piece of legislation which may adversely affect individuals, take away rights that are fundamental and basic to every individual in this country, then it would have to draft right into the bill that the legislation would apply in spite of the

bill of rights; as you have to do presently at the federal level.

This is the reason, Mr. Chairman, I feel that a bill of rights is necessary in this province at the rate we are going and with the question of regulations and the type of laws we are going to be passing. There are stiffer laws all the time in the area of land use, land control, in the area of pollution and so on. We are going to be affecting the basic and fundamental freedoms of individuals—and this is why I feel that a bill of rights is necessary.

In fact, when I presented it I was complimented privately by two members of the cabinet. I see the two members are no longer members of the cabinet; I hope it's not an indication of how the government feels about that type of legislation. But in any event, I feel that we need it. We have it in other provinces. I think there must be five or six other provinces who have felt it was necessary—including Alberta—to enact a bill of rights.

**Mr. Chairman:** Thank you, Mr. Roy.

**Mr. Renwick:** Mr. Chairman—just before we finish—there have been various ideas put forward, and I am not a protagonist of any one of them. I would ask the members of the committee, and I would certainly ask the provincial secretary, to recognize that there is no single road to administrative justice. There just isn't; nor can everybody travel any more than one of the roads—and there are probably five or six roads to it.

Administrative justice is an omnibus term covering not only administrative law but maladministration. I happen to think that there are probably the five major ideas that I think should be looked into by the provincial secretaryship. I only say to my hon. friend from York West and my hon. friend from Scarborough Centre that there's the select committee of the House of Commons which is designed to provide the responsiveness of the ombudsman, so he doesn't become stiff-necked.

I don't know how you solve the problem of institutionalization and rigidity—that's a tough problem—but I don't think that eliminates the need for us to try. So I simply tried to spread out much of it—as I said plagiarized—but I wanted to try to do as my colleague from Lakeshore stated, to reopen the need in the Province of Ontario for a broad look at where we now are in the field of administrative justice.

Because the member for Scarborough Centre was involved in it, and because Sena-

tor Irwin and Senator Baker used always to have story-telling time on television, I may explain to him that it's not so very long ago in the assembly, before that review committee was set up, when it was suddenly brought in at the end of March one year and rammed through the House at the last minute; not because it was an essential part of providing a right to the citizen of the Province of Ontario to claim family benefits assistance and the other assistances, but because it was a condition precedent for the Province of Ontario sharing in the grant from the federal government with respect to that support.

I know that we asked very early in the afternoon that day a very simple question as to whether or not the ministry, and the former minister is not here, the Minister of Community and Social Services—I guess it was Family and Social Services—whether or not they would notify each person in receipt of family benefits allowance and each person in receipt of general welfare assistance that this review committee was being set up so that the person would have the entitlement to come before it by at least knowing that such a review committee existed.

Well, it was the only filibuster that I ever saw in the House. As a matter of fact, there is a rule in the House now that precludes me from doing it again, but I read the full report of the last post fund into the record that night for the edification of the members. I recall quite clearly the minister simply standing up adamantly and saying: "No, we are not going to send out a notice. We are not going to let anybody know that we have set up this review committee."

The reason they didn't want to do it was because they were translating something in the nature of a handout into a right simply by establishing the procedure.

I recall very clearly that John Roberts came into the House—I think it was about 2 o'clock in the morning—and somebody advised him of what the problem was that was raised and he looked over at the member for Bellwoods (Mr. Yaremko) and nodded his head and the then minister said, "I think we will accept the suggestion"; and the House adjourned. But it was some eight hours before we could get the government to do it; and that's only a few years ago. I only use it as an indication of the change of attitude which has to take place with respect to the rights of citizens as against the discretionary decision-making power of the government.

I don't want it to get hung up in a question of legalities. I don't want it to get hung up

in an adversary system. I want to make certain that there's some avenue by which people who have complaints against their government are going to be able to have a broad range of ways in which they can be dealt with.

All I want is for everybody to keep an open mind about it and open the book of administrative justice again, to close McRuer and go on, without taking away at all from the immense obligation that we are under to Mr. McRuer for the work he did on that commission. I don't think there is anybody else in the province who could have done that kind of a job with his knowledge and skill and ability. But I am sure if he were here, he would agree that it's time that administrative justice is not a closed book.

I only have one last comment, and that is that I must say that at law school and in the years after I was at law school, the whole field of administrative law, because the way in which the British judges were ducking their heads on the whole question, first of all made it a subject which almost became incomprehensible to me. But, I would guess, in the last four—

Mr. Singer: What was the name of Hewart's book?

Mr. Lawlor: Lord Hewart—

Mr. Renwick: Lord Hewart's "New Despotism"—

Mr. Singer: Oh, yes.

Mr. Renwick: —and the Crichton-Down case, which was a question of maladministration.

Mr. Singer: Yes.

Mr. Renwick: And as usual, the maladministration wasn't dealt with. The Franks committee was appointed to deal with administrative law. And then there was the committee on ministers' powers. There was a great flood of things.

There has always been this subtle distinction—which, as I said, Mr. Dick is the only one who ever understood it—between an administrative decision, a judicial decision and a quasi-judicial decision. And if you couldn't categorize it as a judicial one or as an administrative one, you threw it down the middle. It just bedevilled the whole world of administrative justice.

In Britain, for whatever the reasons—undoubtedly because of the existence of Labour governments since the war—there has been almost a total rejuvenation of the British bench with respect to the protection of citizens in the courts on administrative questions.

There's a case, an absolutely fascinating case, for lawyers to read: *Anisimic*, a 1969 decision of the House of Lords, which dealt once and for all with one of these preclusive clauses, "that nothing in this Act shall go before any court." The House of Lords finally said, "Oh, no, you don't consign to a body with limited jurisdiction, an unlimited right to say what that jurisdiction is." And the court overthrew it.

If anybody has a question with respect to the ombudsman and whether or not it can be dealt with simply by the ministry, I just suggest that he read the *Sachsenhausen* case, which was dealt with by the parliamentary commissioner in England and would never have been dealt with in any other way—it couldn't possibly have been—and that was the payment of money.

I say to my friends from York West and from Scarborough Centre that it's quite true that many irritations can be dealt with by direct contact with the ministry. But if there is a situation where in all justice—not law, justice—money should be paid, then you have got a different problem. And in a number of the cases where the parliamentary commissioner has dealt with the matter in England, they have paid over money on the recommendation of the parliamentary commissioner.

I just don't agree that because there was nobody in the office on that particular day when the *Daily Express* happened to phone—well, that's not really the way it operates, because the report of the commissioner indicates and tabulates the number of matters he has dealt with, the number of matters which he has said were not matters which he could deal with, the number of matters which he has investigated and the results of them. The proof of the pudding is that, in fact, it has performed a very valuable function and no member of the House of Commons, let alone the government, would ever now move in Great Britain to abolish the office. All I'm asking the provincial secretariat and the members to do is to rejuvenate their interest in administrative justice and look at it in a very broad way.

**Mr. Chairman:** Thank you, Mr. Renwick. Mr. Minister.

**Hon. Mr. Welch:** Mr. Chairman, needless to say I found the discussion very stimulating on this very relevant subject. Perhaps at the outset, may I simply say that I accept the invitation to review the matters that have been brought to the attention of the committee by the various members.

It so happens that my predecessor had already commissioned staff on the secretariat to take a look at this whole question of the bill of rights. I expect that we will be having some preliminary material on this for the consideration of our committee. The role of the parliamentary commissioner as another vehicle, along the lines referred to by the member for Riverdale and others, is one which, of course, has been before the government on many occasions and through the legislation introduced by the member for Downsview.

I am somewhat interested when the member for Riverdale reminds us that in Ontario as far as our civil rights programme to date is concerned we seem to have followed the procedural route. I'm very much interested in this and perhaps we'll have the opportunity to discuss this once we have had the further study completed in this end and in related activities. He does mention to the committee that insofar as parliamentary commissioners are concerned most jurisdictions using this type of official do exclude from his jurisdiction those matters which can, in fact, be referred to the courts.

**Mr. Singer:** Right.

**Mr. Renwick:** Or other tribunals.

**Hon. Mr. Welch:** Yes, and this, of course too, coupled with the fact that in the British system, as I understand it, the matters brought to the attention of the parliamentary commissioner are done so by the elected members of the House of Commons.

**Mr. Singer:** Most other jurisdictions I have looked at allow the parliamentary commissioner to initiate matters on some things on his own initiative.

**Hon. Mr. Welch:** Which is not the case, I take it, as far as Great Britain is concerned.

**Mr. Renwick:** It is my understanding that they are matters referred by the elected members.

**Hon. Mr. Welch:** I think that it would perhaps be sufficient to say, although I wouldn't want the brevity of my reply in any way to be interpreted as a lack of interest in the matters that have been discussed, because I think everything has been said that perhaps needs to be said from various points of view, that it would be incumbent upon the Provincial Secretary for Justice to pick up the invitation and indeed engage in this type of consideration.

I do remind myself that the Camp commission, as far as the Camp study on the Legislature goes, has been attempting to find ways in which it can strengthen the role of members of the Legislature to perform their functions and to consider their role in this regard as well in bringing the concerns of the constituents whom they represent before the various other bodies. That has always been, as some of the other members have mentioned, the role of the elected member in this regard—to be responsible for bringing matters of inequity or injustice, whichever way you want to describe it, to the attention of the various ministers and ministries.

Certainly, on the basis of the discussion—which I consider to be a very high level discussion—on this particular subject, I can assure the members of the committee that I will make it my business to go into this matter in more detail, strengthened by the points that have been made here in our discussion today.

**Mr. Chairman:** Mr. Singer, you have a motion on the floor?

**Mr. Singer:** Yes, but I have a series of other questions, departing completely from the kind of discussion we have just been having.

**Mr. Renwick:** And I have another matter, Mr. Chairman.

**Mr. Chairman:** Yes.

**Mr. Singer:** I want to get into the actual estimates which involve some detail. Perhaps the member for Riverdale has a general point of view.

**Mr. Renwick:** I have one other topic, but as it is 5:50 I wouldn't like to embark on it at the moment. I don't mean by that that it will be unduly lengthy but it will take more than 10 minutes.

**Mr. Lawrence:** Mr. Chairman, could we deal with the principle involved in the member for Downsview's motion and get that off and then get into the details? There is a

principle involved in his and, that is, as I understand it, a continuation of the office of the provincial secretary as such.

**Hon. Mr. Welch:** There is no point in discussing—

**Mr. Lawrence:** Before we get into a debate on other things, why don't we decide in committee whether we're going to have someone to talk to?

**Mr. Singer:** No. I don't think it appropriate. Before that motion is finally put, I would like to get a finite breakdown of what these dollars are being used for, who the people are who are involved, what exactly they do, what qualifications they bring to their job, what they've done for the last year and that sort of thing.

**Mr. Chairman:** You may be in a position then, Mr. Singer, to withdraw your motion.

**Mr. Singer:** I may, yes, it's possible. But I wouldn't want to.

**Mr. Chairman:** What I thought was that I would put your motion when we have completed the discussion and then we would put the motion to carry the vote. If there are other topics or matters that are going to take some time, then—

**Mr. Singer:** There is a matter I have in mind.

**Mr. Renwick:** There is nothing mysterious about the one other topic I want to raise. It's stimulated by the background of it, the minister's statement on April 11 with respect to the competition bill, because this is a matter which has been particularly an initiative of the Provincial Secretary for Justice and his predecessor. There are elements of it which I think deserve a few moments of discussion.

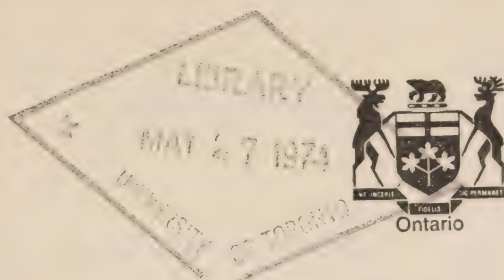
**Mr. Chairman:** In view of the circumstances, this committee will stand adjourned until after the question period on Thursday afternoon.

The committee adjourned at 5:52 o'clock, p.m.

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# Legislature of Ontario Debates

*Ontario Legislative Assembly*

**ESTIMATES, PROVINCIAL SECRETARIAT FOR JUSTICE  
AND MINISTRY OF THE ATTORNEY GENERAL**

**Standing Administration of Justice**

**[Committees]**

**Chairman: Mr. J. A. Taylor**

**OFFICIAL REPORT — DAILY EDITION**

**Fourth Session of the Twenty-Ninth Legislature**

**Thursday, April 18, 1974**

**Speaker: Honourable Allan Edward Reuter**

**Clerk: Roderick Lewis, QC**

**THE QUEEN'S PRINTER  
PARLIAMENT BUILDINGS, TORONTO  
1974**

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(Daily index of proceedings appears at back of this issue.)

# LEGISLATIVE ASSEMBLY OF ONTARIO

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THURSDAY, APRIL 18, 1974

The committee met at 3:15 o'clock, p.m.

## ESTIMATES, PROVINCIAL SECRETARIAT FOR JUSTICE (concluded)

**Mr. Chairman:** At the completion of the last day, Mr. Renwick, you had not completed your remarks. Would you wish to continue?

**Mr. J. A. Renwick (Riverdale):** I have, Mr. Chairman, some comments because it appeared to me—but I am in your hands as always—to be appropriate to discuss the minister's statement on April 11 about the question of the competition bill, where obviously he and his predecessors have had the responsibility of initiating comment and dialogue with the federal government about the competition policy of the federal government as reflected in the bill.

Secondly, because since it is a federal bill there is very little if any opportunity in our assembly to discuss the questions which are implicit and raised in the bill.

Therefore, if you consider it to be in order I would like to spend a few minutes on what is now Bill C-7 of the House of Commons and the comments of the minister as set out in his statement in the House on April 11 and the supporting commentary of the provincial government on the federal government's competition legislation, both to compliment the Provincial Secretary for Justice (Mr. Welch) and to emphasize and to reinforce in my own particular way many of the things which he said in that statement.

The reason I do it is twofold: one is because of the basic policy questions which are involved in Bill C-7 of the House of Commons. The other is because it is illustrative in a very clear way, up until very recently, of the very passive position of the Ontario government with respect to the discharge of its constitutional responsibilities—as opposed to an immensely aggressive ministry in Ottawa. This is reflected from time to time in the aggressive policies of the ministers of the federal government in Ottawa, supported as it is by this almost unlimited

ability to raise funds and use the power of the purse to enforce their particular views of policy.

I want to say right at the outset that I don't happen to have in my own particular judgement—and the member for Downsview (Mr. Singer) agrees with me about this, even though I haven't discussed it with him; but intuitively he will agree with me about it—I don't have a legalistic approach to the constitution of Canada. I don't have a legalistic compartmentalized approach to the division of powers between section 91 and section 92.

I happen to have an immense commitment to the federalism of the system of government under which we operate. I happen to believe that there are substantial areas of responsibility which the government of the Province of Ontario cannot abdicate. I happen to believe there are substantial areas of responsibility that the government of Canada can't abdicate. And that there is no way, except by mutual respect on the basis of which there will be co-operation between the two levels of government, that many policies can be implemented adequately.

That doesn't mean that, somehow or other, you can create some super-body above the provincial Legislature and above the federal government which will decide what to do without the fundamental responsibility of having a meaningful discussion and debate in the provincial Legislature of Ontario and, should they wish to do so, in the House of Commons at Ottawa.

It's within those two frameworks I want to point out and emphasize to the Provincial Secretary for Justice that I welcome the initiative, modestly stated as it was in his statement of April 11 and very carefully phrased in the commentary put forward supporting his letter to the present minister, his counterpart in Ottawa, about what was being said.

I would like to refer to the passive nature and the equivocal nature of the response of the provincial government in a number of areas, where I think they've got to speak up and stand up and state their position clearly. You can't blow hot and cold on your constitutional responsibilities by indicating, re-

gardless of what the constitution says, that you think it should be done by the other level of government. Since the constitution, as it presently is interpreted, requires you to do certain things, then I think you've got the obligation to do it.

The latest instance was this ridiculous display by one of the ministers in the group of ministries for which you provide this particular role in the policy field, the Minister of Consumer and Commercial Relations (Mr. Clement), on the question of warranties with respect to houses. There is absolutely no question whatsoever. Anybody in his sane mind knows that it would be very nice, ideally, to have a uniform code of warranties across the whole of the country. There is also no question that constitutionally the basic responsibilities lie with the provincial government. It is a matter of property and civil rights and the provincial secretary knows it and I'm certain that the Minister of Consumer and Commercial Relations in his rather more lucid moments on this kind of question recognizes it as well. I want to express the concern of myself and my colleague and the New Democratic Party caucus in Queen's Park about this question of suggesting that, somehow or other we in the Province of Ontario can afford to wait the length of time it would take to achieve an adequate warranty policy with respect to house property.

That is only one example. We have this ridiculous position where we have what all of us thought, until we find that the law officers of the Crown have advised otherwise, was an adequate provision, totally untested, with respect to misleading advertising in the field of consumer protection in the Province of Ontario. I note in the provincial secretary's commentary that he still seems to believe, despite the opinion of the law officers of the Crown of the very restricted nature of the provision in the Consumer Protection Act relating to misleading advertising in the Province of Ontario, that it has a much wider ambit, or that it should have a much wider ambit, or that there is a constitutional responsibility here for that. Again the Minister of Consumer and Commercial Relations seems to delight in the suggestion that we should abdicate that responsibility entirely to the federal government.

There is another area where it is obviously clear that the government is abdicating its responsibilities. I don't think it was ever said that it didn't have the constitutional responsibility. That area is in respect of the questions related to the domestic prices of consumer products in the Province of Ontario and the

constitutional responsibility with respect to the regulation of those prices under the British North America Act. That is not to say that it can deal with international trade in commodities or that it can deal with inter-provincial trade.

There is no question, as it presently stands on the basis of the Shannon and the Lower Mainland Dairy case and on the basis of the Board of Commerce cases and any number of other cases, a whole history of them, that the question of the domestic prices of a commodity—that is the prices paid by Ontario residents for commodities sold in the Province of Ontario by a supplier or a distributor to a dealer or by a producer or manufacturer to a dealer or to a consumer are matters that fall solely and entirely within the jurisdiction of the provincial government.

There is no basis in law at the present time for it to be suggested that somehow or other the federal government—because it has power under the trade and commerce clause in the field of international trade and inter-provincial trade—can, in addition, because of that, encroach upon the jurisdiction of the provincial government.

The latest statement has obviously indicated that co-operation and reciprocal legislation are required for that purpose. It may well be that in some distant future when legislation is passed there is some opening which may at some time get the approval of the Supreme Court of Canada which would indicate that there are some areas of some commodities which should be done on a national basis and which would be a sufficient exercise of the federal government to oust the provincial jurisdiction.

Be that as it may, that is not so at the present time and there is no initiative of the federal government which would lead one to believe that topic will ever be tested in the Supreme Court of Canada for some time. I'm talking about the matters which the leader of this party (Mr. Lewis) raised again in the Legislature today—about the price of milk, the price of gasoline per gallon and the price of heating oil and the protection of the consumer.

I'm using those only to illustrate the pleasure I got from the provincial secretary's statement on Bill 7, that he was telling the federal government in a very polite way to stay out of those fields which are responsibilities of the provincial government and that we will be zealous not because of any self-righteous attitude on our part but because we recognize the essential necessity, under law, for the constitution to provide those areas where we

have a responsibility. There is no question that there are large areas where, disguised as an enlargement of something called the criminal law approach to the whole question of combines and other matters the federal government is endeavouring to encroach upon the fields of civil rights and civil remedies in the Province of Ontario, matters which are within the jurisdiction of this government.

I'm going to refer very briefly to the federal government's Bill 7, which was introduced for first reading on March 11, 1974; it is a successor to Bill C-227, which was introduced on Nov. 5, 1973, which was a successor to Bill 256 which was introduced by the then minister, the hon. Ronald Basford, in 1971 and was subjected, as everybody knows, to a violent attack by many segments of the business community. So much so that in preparation for the 1972 federal election the hon. Robert Basford was removed from the portfolio and the hon. Robert Andras—is it Robert Andras?—took over that portfolio for a brief period of time. Then, of course, he was subsequently succeeded by the present minister, the hon. Herb Gray.

So be it. That's the way the Liberal government in Ottawa placated the business community prior to its entrance into the 1972 election as my Liberal colleagues will well remember. There were other persons who were sacrificed in order to retain or re-establish the support of the business community for the Liberal government so that it could fill its coffers in order to go to the 1972 election.

**Mr. V. M. Singer (Downsview):** I never quite thought of that.

**Mr. Renwick:** I seem to remember the then Minister of Finance, Mr. Benson, went to his just reward as well as the hon. Ronald Basford.

**Mr. Singer:** Too bad you get so jealous.

**Mr. Renwick:** Anyway, that's perhaps a somewhat partisan reading of the—

**Mr. Singer:** Yes, it is.

**Mrs. M. Campbell (St. George):** I would say so.

**Mr. Renwick:** —latter-day political history but to emphasize my point—

**Mr. J. P. MacBeth (York West):** We like to hear it just the same.

**Mr. Renwick:** —sometimes politics asserts itself in this kind of field and makes the legislation somehow come alive in many ways.

In any event, they have now apparently decided upon introducing their competition policy in either two or possibly three stages, as I understand it. A good part of the minister's remarks on April 11 were directed toward making a statement with respect to the industrial structure and industrial strategy for the future with respect to the capacity of the Canadian manufacturing and industrial establishment to compete in the foreign markets and the importance of re-asserting that point. I don't intend to dwell on it because nobody at the present time knows exactly what phase 2 is about, or indeed, what phase 3 is going to be.

But in any event, I do want to relate to phase 1 and to point out and to again express our support for the Provincial Secretary of Justice on this question of the way in which the federal government, presumably with the best of intentions, has encroached upon or, intends to encroach upon the legitimate jurisdiction of the Province of Ontario.

I want to deal just quickly seriatim with those matters. Before doing so—I think it is quite fascinating, because I happen to be on the mailing list from Ottawa; my colleague seems to be closer to Herb Gray than I am. I was close to Ronald Basford; I used to get copies of all of the speeches which he made starting in June, 1971, until he ceased to hold the portfolio, supporting the then competition bill; and their magnificent statements of very aggressive ministers encroaching on the jurisdiction of Ontario.

**Mr. P. D. Lawlor (Lakeshore):** They are still sending me speeches. I have speeches from Lang and Herb Gray.

**Mr. Renwick:** I get them from Basford; he gets them from Gray. One of these days we will both get them from both the ministers.

**Mr. Lawlor:** And occasionally we get one from the provincial ministers.

**Mr. Singer:** Would you like my collective copies of Munro's speeches—I get all of those.

**Mr. Renwick:** And occasionally one from the provincial ministers. But the design of Bill C-7, by way of definition, is to enlarge—as always takes place under the guise of clarification—substantial definitions in the bill. There is the definition of article, the definition of business, the definition of product, the definition of service, the definition of supply, and the definition of profession. All of them are such that only persons who understand the importance of the interpretation section can possibly garner in the very increase in

the amplitude of those definitions and the introduction of those new definitions, a very substantial enlargement of the jurisdiction of the federal government in matters which have been traditionally matters which are subject to the jurisdiction of the provincial government of the Province of Ontario.

In clause 2 of the bill there is a substantial restatement of the extent to which the collective bargaining activities are exempt from the Act; and if one reads it closely it in itself, in the way it is phrased, amounts to an intrusion—an intrusion by the federal government into the process of collective bargaining.

In addition, there is an added exemption with respect to the area of underwriting; which nobody until this bill was introduced considered to be a subject of the Combines Investigation Act. Well, throughout those, various definitions are carried forward and many of the sections of the bill are simply consequential changes to reflect those new definitions in the language of the bill.

But when you come to a clause like clause 10, dealing with section 29(1), you find a jurisdiction to grant interim injunctions conferred upon the federal court. And, of course, they confer also upon the superior courts criminal jurisdiction, which under the constitutional setup are matters of provincial jurisdiction. But they are attempting, as the minister pointed out in his statement, to establish the federal court of Canada as a correlative superior court of criminal jurisdiction. I think that is a matter which requires substantial and significant consideration by the ministry; and I am glad that the minister in his statement highlighted it.

I'm not an expert on the constitution of the federal court of Canada and I certainly never had occasion to appear before it. We also find in clause 11 of Bill C-7 that there is now to be a trial division of the federal court and that then there is going to be a federal court of appeal. So what the federal government is doing is to establish a correlative criminal court to oust the jurisdiction of the superior criminal courts of the Province of Ontario and to provide an alternate way in which those matters can be brought forward.

Anyone can see that once you provide a court of superior jurisdiction, correlative to the criminal jurisdiction of the superior courts of the Province of Ontario, and make it a federal court, you've opened a very wide door to the encroachment on the traditional function of the courts in the Province of Ontario.

**Mr. Singer:** Those courts exist now.

**Mr. Renwick:** Well, all right, they may very well and you may want to comment about it. As I said, I am not an expert, but it doesn't alter the fact—

**Hon. R. Welch** (Provincial Secretary for Justice and Attorney General): Very narrow grounds; they are looking for work.

**Mr. Singer:** They are there.

**Mr. Renwick:** Yes, but because they appear to be conferring substantial correlative jurisdiction, that doesn't necessarily mean that the original establishment of it was correct. It may have been correct in a very narrow sphere dealing with purely federal matters but not dealing with matters which are substantially within this field of the Province of Ontario.

**Hon. Mr. Welch:** This is why the statement, if I might just interject, Mr. Chairman.

**Mr. Renwick:** Yes, I agree. All I want to do is to say I am reinforcing and expressing my appreciation and delight that you saw fit to make this kind of statement and to perhaps emphasize our thinking about it so that the matter will at least be on the public record—

Interjection by an hon. member.

**Mr. Renwick:** Probably not my colleague's thinking but my thinking and the thinking of the New Democratic Party caucus, other than my colleague from Lakeshore, who is, along with the member for High Park (Mr. Shulman) constantly causing great divisions within the party.

**Mr. Singer:** Were you responsible for that bill he brought in this afternoon?

**Hon. Mr. Welch:** You would say that the informed members of your caucus—

**Mr. Renwick:** Pardon?

**Hon. Mr. Welch:** The informed members of the caucus share that view.

**Mr. Singer:** Do you have an opinion on that bill brought in this afternoon?

**Mr. Renwick:** But in clause 12 of Bill C-7 we find that a civil remedy is being conferred on the federal court in matters which have traditionally been matters—under property and civil rights matters—exclusively dealt with in the provincial courts established under the constitution.

There is, in part 4 of the bill, a restatement of matters which are reviewable by the trade commission—what is it called?

**Hon. Mr. Welch:** Restrictive Trade Practices Commission.

**Mr. Renwick:** Restrictive Trade Practices Commission—and there is an immense statement of those matters which are to be reviewable by the commission.

In clause 18 of the bill, section 36 of the Act, misleading advertising; section 36(1), testimonials; 36(2), double ticketing; 36(3), pyramid selling; 36(4), referral selling; 37, bait and switch; 37(2), promotional contests; 38, resale price maintenance. I emphasize that these are matters where, if they are matters of criminal jurisdiction there is no question that it is the federal government responsibility, but any reading of the Act as it is established would indicate that the federal government is asserting civil jurisdiction within those areas, many of which we are or should or will be dealing with in the Province of Ontario, and which are peculiarly matters of a local nature within the province affecting the citizens of the province—

**Hon. Mr. Welch:** That should fall within the jurisdiction of our provincial courts.

**Mr. Renwick:** —and fall within our provincial jurisdiction. Well, one could go on at some greater length about the provisions of the bill. I certainly commend it at some point. I don't know how we ever get subjects like this up for debate in the Legislature. This seemed to me to be an appropriate time to discuss it.

I just happen to think, not only in the fields covered by this bill, but as I stated at the beginning, that a reading of the constitution of the country and the constitution as it has been interpreted by the courts, would indicate that the field of property and civil rights in the matters of a local concern—that is, a domestic intra-Province of Ontario concern—these are matters which should be dealt with by this Legislature.

If, as a result of dealing with them in this Legislature—and there are innumerable examples of it—it would provide the impetus for other jurisdictions to adopt approaches that we have taken in legislative matters, and if at some future date, at some time, there should be co-operation between all the levels of government and all of the provinces so there is a uniform law across the country,

well, that's just fine. And I certainly don't stand in the way of that.

But committed as I am to the federal nature of the constitution, I simply want to make certain that we maintain the initiative taken by the Provincial Secretary for Justice, and his predecessor (Mr. Kerr) when he made the statement in February, 1973, on the predecessor of this bill and the statement made by the Premier (Mr. Davis) in February, 1973, when he dealt with this matter in his own inimitable style.

I am very much concerned that we stop this game of saying, "Oh, well, if the federal government will just do this, that will be fine, even though it's our responsibility"—and in getting on with what we have to deal with, deal with it well, and make certain that the federal government understands that we are not going to allow it to create not only confusion and overlapping, but to destroy the federal nature of the constitution in so doing.

It happens to be a topic I feel strongly about and I just wanted to take the opportunity of making some comments to compliment the minister on that statement of April 11.

**Hon. Mr. Welch:** I certainly appreciate the comments. Indeed, the member in a general way very forcibly underlines my concept of federalism. I will have a discussion on the subject in some of the areas with my colleagues, the other Attorneys General of the country, when we bring them together here in Toronto next month. I assure you I appreciate very much having the comments of the member for Riverdale.

**Mr. Chairman:** Mr. Singer, did you have some comments?

**Mr. Singer:** Well, Mr. Chairman, just let me comment very briefly on the remarks of the member for Riverdale. I think he sweeps far too wide a swath. The provisions of, what was it, 36, 37, 38 of the proposed Act, while it could be argued that they relate to property and civil rights, surely it could be argued they come within the criminal aspect of the enforcement of federal law because they touch on fraud and trickery, theft, that sort of thing—sophisticated white-collar crime—that should be legislated on a federal basis rather than a provincial basis.

This is an interesting discussion—and I don't want to get into the detail of that kind of discussion at the moment—but it leads me to another point; and that is the great difficulty that we in opposition experience in try-

ing to understand and take a part in the administration of justice, because so much of it goes on in forums where we have no access to it.

We talked just a moment ago about the forthcoming meeting of the Attorneys General; and certainly it's a good thing that the Attorneys General of the 10 provinces and the Minister of Justice of Ottawa meet together frequently and discuss these things.

I notice in the press—when we come to your estimates—your thoughts about how you are going to go touring around the province discussing various problems with the public, with lawyers, with judges and so on.

As you know, and as I have discussed with you privately on earlier occasions, I have been one who has advocated for a long period of time that somewhere in the process there should be some kind of machinery established whereby the judges, who are very concerned about the whole process, be allowed to freely express their opinions to a representative group from the Legislature. This presents difficulties, but the longer it goes on the harder it gets to do this.

I'm getting just a little weary of hearing, in the most strictly confidential terms, opinions of individual judges who often tell me, "Don't pay any attention to him [that's a brother judge] what I'm saying is really the—but don't quote me." I can commend the Attorney General or the Provincial Secretary for Justice for the tour. I don't know which capacity you're going to be in doing this tour. Which budget are you going to take the money out of?

**Hon. Mr. Welch:** The Attorney General's.

**Mr. Singer:** Yes, all right. While I can commend him for the idea of the tour, I think there should be some facility available to those of us, who are in a position in other parties of having some substantial concern about the administration of justice, to be informed or allowed to participate from time to time in what's going on.

The process should not be that secret, and we shouldn't be faced as we are unfortunately, and the House is going to hear about this tomorrow, with the two bills that we're going to debate—the Land Speculation Tax Act and the Land Transfer Tax Act amendments, which aren't even established in principle. We're going to have to debate a principle without knowing what the heck the principle is. Very often, unfortunately, in this field we get into that very same position.

Enough of the general remarks, let me get down to some of the specifics and let me look with you at the particular figures that you have here. On page 39 you have under salaries and wages the sum of \$248,800.

**Mr. Lawlor:** May I just say, I would like to continue on with competition?

**Mr. Singer:** Oh, all right.

**Mr. Chairman:** You would defer then, Mr. Singer, to Mr. Lawlor?

**Mr. Singer:** Yes.

**Mr. Chairman:** You have some comments in a general vein, I gather, in connection with combines and that type of thing.

**Mr. Lawlor:** Yes. It's most delightful for me to be able to indicate during the course of these estimates that perhaps my colleague and I are not on all fours with respect to all matters under the sun, which, I'm sure, is very stimulating for him, but very trying for me, or vice versa.

In any event, as I see this competition thing from what you are doing and your recent statements about it, on a number of heads and using constitutional and legalistic devices you are in effect in a broad way scuttling the federal legislation both in stage one and in stage two—stage two in anticipation, and stage one to a considerable extent now.

This is done, as I see it, under five heads. First of all, it is done with respect to the concept of "unduly" and the business of the substitution of the term "substantial," that whole determination or criteria which astute lawyers have so twisted and utilized in the courts for generations now, in order to say that unless there's no iota of competition left in the particular field, then it's not unduly restrictive.

This has allowed monopolistic practices and price fixings and rationalization agreements to go on apace to the detriment, as I said during the estimates of the Ministry of Consumer and Commercial Relations last year. This has allowed it to go on apace to the extent that you've undermined and are severely undermining the system that you so blatantly uphold day after day in the House. In order to try to apprise you of what precisely you're doing in your own internal and obviously unconscious acts of self-destruction, I felt that it was necessary to point these things out.

Herb Gray wants the redefinition of the term "unduly" to mean not necessarily to

establish a complete or virtual elimination of all competition. You wouldn't have to prove the virtual elimination of all competition if it was substantial, if it really operated in that way and hurt the consumer in this regard, then there would be reformulation there. Your government seems to take exception to that definition or that redefinition.

Secondly, you've become very jealous and very restrictive with respect to the regulated industries within the province. You point out that the insurance industry, the securities industry, the loan companies and a whole host of things are under your narrow and designated jurisdiction and—I hate to say this about my colleague—you set up a jealous, narrow, legalistic and anachronistic notion of the constitution.

Far from flexibility and give-and-take in a working co-operative alliance with a sense of sharing in the constitution, which is an out-moded and obviously otiose document, and instead of making it work, you revert to the earlier positions of Baldwin and other people who are historically accredited as not having very much imagination with respect to the interworkings of a federal constitution. I find that unpalatable.

If it does unduly limit competition within those industries, then surely the federal government, since the matter involves the whole country and every citizen in it in a very profound way, ought to have legislation. What do you propose that you could have by way of legislation? You could claim, or some people might claim, that if you introduced legislation which sought to free those industries and keep them in a state of competition, you wouldn't be possessed with the powers. Is there the usual *lacunae*, the great hinterland, the no-man's-land in our constitution where nobody can occupy it, so the field lies untouched? That is a total abnegation of contemporary government. Too often we fall into that particular pond of Despond, and that's what you are leading toward, as I see it, in the assertions of your suzerainty and your jealous regard for your own tiny prerogatives in the particular area.

There might be some meritoriousness in your attack on the federal government in saying that they haven't indicated conclusively as to whether their own regulated industries are supposed to be within the dimensions of the Act. That point is well taken. But then, using that fob, you yourselves won't indicate whether the regulated industries of the provincial government would be subject to the overall powers of the Act either. You skirt the issue.

Hon. Mr. Welch: In fact we exclude them. We say that since they are in areas that are presently being held by this jurisdiction—

Mr. Lawlor: Well, I suggest that is being purblind. You take umbrage—

Hon. Mr. Welch: Well, the hon. member is expressing a point of view.

Mr. Lawlor: Point four: You take umbrage on the criminal jurisdiction. I suggest to you that what is happening here, as in the federal court and in other courts, is that a highly specialized body of judges will be set up, with great expertise in the areas of mergers, monopolies and these trade practices. We've tended toward that ourselves, and our divisional court is partially an answer to specialization.

We talk of having judges designated who are expert in the field of corporate law in this province. We talk but it never comes about. It remains vacuous. In Great Britain they have such a court. We visited such a court in Great Britain. Whatever we may think of the way it operates in Great Britain is beside the point. The fact of the matter is that this is becoming an increasing necessity, and it is venal on the part of a government to attack such a structure.

Hon. Mr. Welch: There is no suggestion at all that the federal court is to be such a specialty court; in fact, just the contrary.

Mr. Lawlor: I can show you many speeches from Mr. Herb Gray, claiming that is precisely what the designation of that court is meant to be.

Hon. Mr. Welch: It is not Herb Gray's speeches I am interested in. It is Otto Lang's.

Mr. Lawlor: In any event, the concerted policy of the cabinet and the government of Canada is that they want to set up judges who would acquire acumen in these particular matters. If you say that you want certain Supreme Court judges of Ontario and the other jurisdictions to acquire this acumen as a kind of special avocation, so be it. But you haven't said that.

Hon. Mr. Welch: That is consistent with my statement. I would assume that one would read that into the fact that the appeal would be to the superior provincial courts, which would have to develop their own expertise in that respect.

Mr. Lawlor: My point, Mr. Minister, is that I see nothing wrong in the principle. I know the British North America Act can

be cited, that the sections about the constitution and the provincial responsibility in the administration of criminal courts can be cited, but I just can't feel bound by that particular thing.

Finally, in this particular area you scuttle the legislation by invoking economic and sociological arguments, particularly economic arguments. You say that unless this is done in the context of an overall Canadian industrial policy it cannot be done at all. I suggest you read the summary of speeches made at McGill University in Montreal, when they convened a group of businessmen—cabinet ministers in the throes of an election couldn't arrive—but they came to no concerted opinion nor consensus in that.

What is such a policy? What are the guidelines? The industries, they point out, have to be sectionalized and broken down. Each one of them has internally conflicting nostrums to bring to bear on the thing. Unless you have an overview, an oversight in which the whole country is held in some kind of vision and focus with respect to competition policy, it is certainly not going to work.

The assertions of prerogatives of this particular guard does severely undermine the possibilities for you reaching the Utopian society that you yourself envisage, which I think is an abomination. Therefore, I find it extremely titillating for me to sit here and defend your position because you obviously are not very much prepared to defend it yourself. In the terms that you put it, all it means is that the great industries of the country in terms of managed prices or in terms of monopolistic structure are free to do whatever the hell they please. That is surely detrimental in terms of concentrations of power to the whole democratic concept and to the role of government within the economy. Anyone, any addict of free enterprise—Theodore Roosevelt, the trust busters, name them all—has to sit there as an apologist for that particular programme. It discourages me.

At the same time, there you are. Unless you concede a great deal more than you presently are doing to the federal government and to its operations and to its intentions in the field of monopolies and the competition Act, I think you are not going to get a competition Act of any validity. And the whole ramshackle, anarchic situation will go on apace and we'll end up with megalopolis and with monopolies on a vast scale which is really undermining the economy. Well, not so much, perhaps, the economy, which is what your chief emphasis is, but fundamental social

goals that this society has for a long time sought to reach. You have to balance one against the other and I simply balance on the other side.

**Mr. Chairman:** All right. Thank you, Mr. Lawlor.

**Hon. Mr. Welch:** The member for Lakeshore expresses a point of view.

**Mr. Renwick:** Mr. Chairman, I want to say to you that you can see there are only minor semantic differences between my colleague for Lakeshore and myself.

**Hon. Mr. Welch:** I think he confuses centralism and federalism.

**Mr. Chairman:** Mr. Singer, you had some specific—

**Hon. Mr. Welch:** I simply say the member for Lakeshore expresses a point of view. I'm a federalist not a centralist and I'm quite satisfied there is no dispute with the objectives with respect to the Combines Investigations Act.

**Mr. Chairman:** Mr. Singer was probably startled with the brevity of the reply.

**Mr. Singer:** I was indeed.

**Mr. Chairman:** You were dealing—

**Mr. Singer:** I was awestruck that it was so brief.

All right. I would like to find out, Mr. Chairman, under the various items shown on page J9—first of all, what the figure \$248,800 is supposed to do.

**Hon. Mr. Welch:** Mr. Chairman, as the heading would indicate, the \$248,800 is to provide the salaries and wages of those who would be employed by the secretariat.

**Mr. Singer:** And who are those who are employed by the secretariat? What are their names? What are their categories and what exactly do they do?

**Hon. Mr. Welch:** The complement approved by Management Board for the secretariat totals 14.

**Mr. Singer:** Yes.

**Hon. Mr. Welch:** At present, we have some vacancies. Miss Drybrough will assist me here. We have a regular staff at the moment of nine with one on contract for a total of 10, with four vacancies in the secretariat.

**Mr. Singer:** One on contract?

**Hon. Mr. Welch:** I'm sorry—there are nine on regular staff. Scratch the one on contract and we have five vacancies.

**Mr. Singer:** The one on contract is uncontracted?

**Hon. Mr. Welch:** We have none on contract.

**Mr. Singer:** None on contract. And you have—

**Hon. Mr. Welch:** Five vacancies.

**Mr. Singer:** Five vacancies? All right. Can you tell me first of all what the complement as approved by the Treasury Board is supposed to include? How are these 14 people categorized?

**Hon. Mr. Welch:** We have secretaries of course.

**Mr. Singer:** Well, could you give them in sort of seriatim and tell me what category they fit into within the civil service and who they are?

**Hon. Mr. Welch:** Perhaps I will have Miss Drybrough give you that detail from the staff, okay?

**Miss J. Drybrough (Executive Officer):** Two of the vacancies which occur come under the complement provided for programme executives.

**Mr. Singer:** Two vacancies for programme executives.

**Miss Drybrough:** Yes, right.

**Mr. Singer:** Just a second. Let's get this all into detail. What is a programme executive supposed to get paid? What civil service category does a programme executive fit into?

**Miss Drybrough:** I don't know. Is Mr. Richards here? Is he allowed to handle this?

**Hon. Mr. Welch:** I don't know. Do you mean what their salary scale is?

**Mr. Singer:** And then what are they supposed to do? What background do they have? What education do they have? That sort of thing. I want to find out—

**Hon. Mr. Welch:** That is a civil service classification which I am sure we could read from the civil service—I haven't got that material with me.

**Mr. Singer:** Well, that is what these estimates are all supposed to be about. I want you to justify this \$419,000 dollar by dollar.

That is really what I am going to keep at as long as it's—

**Mr. J. E. Bullbrook (Sarnia):** It is a novel approach to the estimates; it deals with money.

**Hon. Mr. Welch:** I am not trying to avoid the question. All I am saying is that the job descriptions for programme executives, I don't have with me. It is in what is called the executive officer III category. The salary range is from \$21,000 to \$26,000.

**Mr. Singer:** All right. So there are two vacancies for programme executives. How many programme executives do you have in the nine spots that are filled?

**Miss Drybrough:** There aren't any.

**Mr. Singer:** There aren't any.

**Miss Drybrough:** There aren't any at the moment.

**Mr. Singer:** All right. What is a programme executive supposed to do within the Provincial Secretariat for Justice?

**Hon. Mr. Welch:** I think it is a matter of policy analysis. I think perhaps what we might do is describe it in the way of the people who did occupy this office as to what they did. You might describe that for us.

**Miss Drybrough:** Right, right. These two positions are temporarily vacant at the moment—

**Mr. Bullbrook:** I can't hear.

**Miss Drybrough:** The two positions for programme executives are vacant at the moment but were previously filled by Messrs. Campbell and Glinfort who were on our staff, one from the Ministry of the Attorney General and the other from the Ministry of Correctional Services. Those two gentlemen have now returned to their respective ministries and at the moment the positions are vacant. Their general duties—

**Hon. Mr. Welch:** Perhaps on the basis of what they did, their responsibilities included the following. Mr. Chairman: the development of the criminal justice model, management information systems; the development of alternatives for problems respecting the transportation of prisoners from courtroom security; development of the justice policy paper; establishment of interministerial committee to which reference was made Thursday, with respect to drinking and driving; the background paper on offtrack betting; the

development of the Ontario position with respect to bail reform; analysis of the final report of the LeDain commission; the development of a programme for staff training, staff development and information sharing within the justice policy field; and the regular analysis, as I was indicating at the beginning, of policy proposals which come into the field committee, preparation of questions relevant to the principles and conflicts or overlaps for purposes of the analysis of the cabinet committee, itself—

**Mr. Singer:** That sounds like a pretty full plate. How long were those two gentlemen employed in that position?

**Miss Drybrough:** Approximately a year.

**Mr. Singer:** Approximately a year. And how many of those heads of labour did they perform?

**Hon. Mr. Welch:** Well, what I just read.

**Mr. Singer:** Did they do all those things in a year, the two of them?

**Hon. Mr. Welch:** Yes. That is my understanding.

**Mr. Singer:** I see. They must have been very able gentlemen. How long have their positions been vacant?

**Hon. Mr. Welch:** About four or five weeks.

**Mr. Singer:** Four or five weeks. How can that important department possibly function without two gentlemen called programme executives doing those jobs, which strangely seems to coincide with your description of what the Provincial Secretary for Justice is doing?

**Hon. Mr. Welch:** The present Provincial Secretary for Justice has been awaiting the appointment of his new deputy minister in order that he can consult with him in connection with the replacement of these two—

**Mr. Singer:** Oh, I see. So we are marking time until you get a new appointee as deputy minister, who can then consult with somebody else to see if you can get two more programme executives who will do all these things they are supposed to do? Okay, that is two out of 14.

**Hon. Mr. Welch:** There might be some wisdom, I think, since the deputy minister was in fact to have some management responsibilities which will involve him in the appointment of his staff.

**Mr. Singer:** Yes, yes. Well, one would have thought, and I say this—

**Mrs. Campbell:** Why do you say “him”?

**Hon. Mr. Welch:** I used that in its general terms. Are you looking for employment?

**Mrs. Campbell:** No.

**Mr. Singer:** I say this deliberately critically, since the announcement of the promotion—and I will say it was a very substantial promotion and hurrah—of Mr. Dick, to be deputy provincial Treasurer, the whole secretariat has limped to a halt.

**Hon. Mr. Welch:** No, that is not the case at all.

**Mr. Singer:** Well, you haven't got your programme executives, who apparently are supposed to do all of the work that you are telling us was being done. Their positions have been vacant for six weeks. None of that work, presumably, is being done by anybody else.

**Hon. Mr. Welch:** That is not true, Mr. Singer.

**Mr. Singer:** Well, all right then, let's get down to the other 12. We've dealt with—

**Hon. Mr. Welch:** Well, wait a minute now, let's stick to the programme executives. As Miss Drybrough told you, both Mr. Campbell and Mr. Glinfort returned to other responsibilities with the Attorney General and Correctional Services and for the time being, with the permission of their ministers, are in fact finishing up some of the work with which they were engaged until their successors are appointed.

**Mr. Singer:** I see.

**Hon. Mr. Welch:** They are not on the payroll of the Justice secretariat at the moment, which of course has resulted in the answer which I've given the hon. member.

**Mr. Singer:** All right, that's two.

**Hon. Mr. Welch:** That's not to say that those functions aren't being looked after at the moment in a temporary way.

**Mr. Singer:** In a temporary way. Who are the other 12? Let's go down the list.

**Hon. Mr. Welch:** Now, Judy, who might assist us with that now.

**Miss Drybrough:** There are five secretaries.

Mr. Singer: Five secretaries.

Miss Drybrough: Right. One executive officer—

Mr. Singer: Just a moment. Five secretaries; one executive officer.

Miss Drybrough: In the minister's office, that is.

Mr. Singer: I'm sorry?

Miss Drybrough: I'm sorry. In the minister's office there are five secretaries.

Mr. Singer: In the minister's office there are five secretaries?

Miss Drybrough: Right.

Mr. Singer: And one executive officer.

Miss Drybrough: A clerk attendant.

Mr. Singer: A clerk attendant.

Miss Drybrough: An administrative officer with a secretary.

Mr. Singer: Who is that secretary for? That's in addition to the five earlier ones?

Miss Drybrough: Right. The secretary to the administrative officer.

Mr. Singer: I see.

Miss Drybrough: The deputy provincial secretary himself is included in the complement.

Mr. Singer: He's one of the 14?

Miss Drybrough: Yes.

Mr. Singer: He's missing two because that makes five or six vacancies.

Hon. Mr. Welch: That's the best way to have it.

Mr. Singer: Who else?

Mr. Renwick: Even if you don't get paid.

Mr. Singer: That's it?

Miss Drybrough: Excuse me. There are two executive assistants, but they are ministry appropriation; their salaries are—

Hon. Mr. Welch: That's with the Attorney General.

Miss Drybrough: Right, the Attorney General.

Mr. Singer: Oh, we have two executive assistants who are not there?

Hon. Mr. Welch: No, that's not—does that total right?

Mr. Renwick: That's right. That's 14. I counted.

Mr. Singer: We have two and five are seven, and one is eight, nine, ten, eleven—there are only 12?

Hon. Mr. Welch: Well, there are two vacancies to make 14.

Mr. Singer: No, no. We have two programme executives, five secretaries—

Mr. Renwick: That's seven.

Mr. Singer: One executive officer.

Mr. Renwick: Eight.

Mr. Singer: One clerk attendant.

Mr. Renwick: Nine.

Mr. Singer: One administrative officer.

Mr. Renwick: Ten.

Mr. Singer: One secretary.

Mr. Renwick: Eleven.

Mr. Singer: And one deputy minister. That's only 12.

Mrs. Campbell: And two executive assistants.

Mr. Singer: Two executive assistants who aren't there; or are they?

Miss Drybrough: Excuse me, I'm awfully sorry. There are two secretaries under the deputy provincial secretary.

Mr. Singer: Oh, two more secretaries.

Miss Drybrough: In his office, right.

Mr. Singer: Okay. All right. Now, let's have some salaries. Five secretaries to the minister.

Hon. Mr. Welch: No, there are not five secretaries to the minister. They happen to be in charge of the minister's office.

Mr. Singer: Five secretaries in charge to the office of the secretary.

Hon. Mr. Welch: Some of these secretaries would be assigned to the programme executives, to which reference has been made—and so on. Would you like to know the salaries of the secretaries?

Mr. Singer: Yes, I would.

**Hon. Mr. Welch:** The secretary to the deputy minister is now at \$11,062. The assistant secretary to the deputy is at \$7,451. The administrative officer is at \$18,230.

**Mr. Singer:** \$18,230?

**Hon. Mr. Welch:** Yes.

**Mr. Singer:** The secretary to the administrative officer?

**Hon. Mr. Welch:** No, no. I said the administrative officer.

**Mr. Singer:** Oh, the administrative officer is \$18,230; right?

**Hon. Mr. Welch:** The secretary to the administrative officer is \$8,048.

**Mr. Singer:** \$8,048, yes.

**Hon. Mr. Welch:** And there's an executive officer attached to the deputy minister's office at \$13,497.

**Mr. Singer:** All right. These five secretaries then—we've got five secretaries, six secretaries, eight secretaries, out of this complement of 14. And as I look at the secretaries' salaries, I would gather these are reasonably competent people who take shorthand and dictation, but their salaries wouldn't seem to indicate that they have any great academic background or any great knowledge of law. Am I correct in that assumption?

**Hon. Mr. Welch:** They meet the requirements of the Civil Service Commission to perform these responsibilities.

**Mr. Singer:** Yes, well, they're secretaries.

**Hon. Mr. Welch:** Well, I haven't called them anything else.

**Mr. Lawlor:** They're legal secretaries.

**Hon. Mr. Welch:** I don't think—

**Mr. Singer:** They're not even legal secretaries.

**Mrs. Campbell:** They aren't legal secretaries at this stage.

**Mr. Singer:** So you have a complement of 14, seven of whom are secretaries. Don't you think they're a little overburdened with secretaries? What do they all find they have to do?

**Hon. Mr. Welch:** They're kept quite busy.

**Mr. Singer:** What do they do? What's the average day of the secretary who gets

\$11,800? What does she do in an average day?

**Hon. Mr. Welch:** Well, really, Mr. Chairman, I—

**Mrs. Campbell:** Don't know.

**Hon. Mr. Welch:** What kind of detail is the member asking for?

**Mr. Singer:** Well, my point is quite obvious, Mr. Minister.

**Hon. Mr. Welch:** Well, the minister is quite satisfied—

**Mr. Singer:** I don't think you need this department at all.

**Hon. Mr. Welch:** Well, why don't we get on and—

**Mr. Singer:** Well, because I want to get on the record what these people are doing.

**Hon. Mr. Welch:** The minister is quite satisfied that all these secretaries have plenty to do and are fully engaged each day.

**Mr. Singer:** I think I am entitled to find out what they do. Tell me what the senior secretary does.

**Hon. Mr. Welch:** They take dictation, type, look after the mail coming in and going out, look after the telephone and do all of the other jobs that one would normally attribute to a secretary.

**Mr. Singer:** All right. So we have again eight secretaries. Are all those complements full now or is that part of the vacancy still?

**Mr. Chairman:** I think we had that question.

**Mr. Singer:** No, no, we have just found two vacancies in the programme executives and there are three other vacancies. I am trying to locate them. Where are they?

**Miss Drybrough:** There are two vacancies for programme executives which we discussed before, which comes to a complement of 14.

**Mr. Singer:** No, you said there were nine people and five vacancies. Would I be right in guessing that some of those eight busy secretaries are not there?

**Mrs. Campbell:** The minister appears satisfied they are doing their job. Are we getting an answer?

**Hon. Mr. Welch:** What is the question?

**Mr. Singer:** What is the question? I think I established there were 14 people called for by the decision of the board of management. At present, there are nine places full and five vacant, and I am told that two of the five vacancies are made up of programme executives who are not there.

**Hon. Mr. Welch:** Three of the vacancies are created by the fact that those three people's salaries are being charged to the Ministry of the Attorney General. There is no need to duplicate the work that they were doing from the standpoint of the two ministries for which this minister is responsible.

**Mr. Singer:** What are these three that are duplicated in the Attorney General? Are they secretaries?

**Hon. Mr. Welch:** My private secretary and two support staff.

**Mr. Singer:** So three of the eight secretaries called for are not there nor is there any likely intention that they are going to be there.

**Hon. Mr. Welch:** As long as there is this duplication. This was left to the minister.

**Mr. Singer:** Yes, because that was going to be my next question, why do you need secretaries in two different offices? How do you distinguish between them? Do they wear labels?

**Hon. Mr. Welch:** It's not really necessary to ask that question because I answered it in the other question.

**Mr. Singer:** No, well, all right, they are all the same. So obviously if you are justified in your earlier statement that one person can handle the two jobs—and that seems to be your position—then it is not necessary to have three secretaries in this complement. Is that correct?

**Hon. Mr. Welch:** No, that's not correct.

**Mr. Singer:** As long as you are doing both jobs?

**Hon. Mr. Welch:** All I am saying is that as long as one minister is doing both jobs, he doesn't need a private secretary for each and every position. Therefore, in order to avoid that duplication these vacancies are here for the time being.

**Mr. Singer:** Why shouldn't we knock off \$24,000, because the premise of these estimates is that the one person is doing both jobs, and you have been justifying it.

**Hon. Mr. Welch:** At the moment, that is the case, yes.

**Mr. Singer:** Then why do we need an extra amplification?

**Mr. Chairman:** I don't think, Mr. Singer, that that's the premise.

**Mr. Singer:** Well, let me figure that out, Mr. Chairman. You may or may not agree with me, but let me put the point.

Earlier, I put my point of view that it isn't reasonable or logical, if this system of secretariats is going to continue on, that an operating minister, like the Attorney General, should carry on as provincial secretary as well. The minister said in his opinion it is justified. Since it is justified in his opinion and since that is the basis on which these estimates are coming forward and since obviously three of the 14 on the establishment are duplications, why then do we have to vote money for three people who are going to continue to duplicate and artificially inflate the budget figures that are here?

**Hon. Mr. Welch:** I take the position at the moment that we are asking the committee to approve this appropriation based on the approved complement. If all the complement is not filled for the reasons I have given, the money will not be expended. In fact, if there is any change in policy with respect to that, the money will be required to pay for it.

**Mr. Singer:** In other words, what you are saying is that on the basis on which you foresee and the basis on which you justify your occupation of this position, these figures are not correct figures.

**Hon. Mr. Welch:** These figures were prepared on the basis of the complement that was approved and for organizational purposes, obviously at a time when all these positions were filled.

**Mr. Bullbrook:** But you agree that there is a duplication?

**Hon. Mr. Welch:** Obviously there are not two private secretaries and there are not two ministers; so that's right.

**Mr. Singer:** Now let's deal with the executive officer. Who is the executive officer?

**Hon. Mr. Welch:** The executive officer is Miss Drybrough who is on my left and the administrative officer is Mr. J. J. Richards.

**Mr. Singer:** I see. Do you have an executive officer as Attorney General?

**Hon. Mr. Welch:** Yes.

**Mr. Singer:** And that's another person?

**Hon. Mr. Welch:** Yes.

**Mr. Singer:** Why do you need two executive officers?

**Hon. Mr. Welch:** Miss Drybrough is not my executive officer. She is an executive officer on the staff of the deputy minister doing the work of the secretariat. I have an executive assistant who assists me in my work as the Attorney General.

**Mr. Singer:** You have an executive officer for a non-existent deputy minister?

**Hon. Mr. Welch:** No. I said Miss Drybrough is an executive officer on the staff of the deputy minister from the standpoint of placement and reporting relationships. Her responsibilities, which she will be very glad to describe for you, is to do her work insofar as the function of the secretariat is concerned and she reports to the deputy minister.

**Mr. Singer:** I would like to hear Miss Drybrough tell us what she does.

**Miss Drybrough:** I worked with Mr. Campbell and Mr. Elo Clinfort when they were still with us.

**Mr. Singer:** Those are the two gentlemen who have left?

**Miss Drybrough:** Yes, who have left. Some of our duties were joint in that there was regular analysis of policy proposals, which still go before the field committee every Thursday at the regular meeting, were analysed and were reviewed by the secretariat with policy questions which were passed for consideration of the committee. Those duties we shared.

In joint work we worked on some projects which all three of us undertook together.

At the moment, one of the largest things I have been involved in is the publication of the green paper and everything that has entailed since the drawing up of the green paper—the publication of same; the arrangement of the public hearings held throughout the province at 12 different locations; the attendance at the meetings; making all the arrangements; the compilation of the statistical material or at least of the records

of the public response. We have received over 7,000 letters, briefs, petitions, etc. from people as well as personal representations made to the committee. All the correspondence I have handled for this.

At the moment we are involved in drawing up a final report for presentation to the field committee with recommendations based on the public response we have received over the last several months.

**Mr. Singer:** You used the words "We are engaged." Who is the we? You and who?

**Miss Drybrough:** I am sorry, I am.

**Mr. Singer:** You are?

**Miss Drybrough:** I am.

**Mr. Singer:** And you are able to do this without the assistance of the two programme executives?

**Miss Drybrough:** Yes, because they were undertaking other projects and this was my special assignment.

**Mr. Singer:** Okay. What is your professional background?

**Miss Drybrough:** My professional background—I have a Bachelor of Arts degree from the University of Manitoba in English and political science and history.

**Mr. Singer:** What about the clerk attendant? What does the clerk attendant do?

**Miss Drybrough:** The clerk attendant, I believe, is the clerk attendant-driver to the minister.

**Mr. Singer:** Clerk attendant-driver to the minister?

**Miss Drybrough:** Yes.

**Mr. Singer:** Mr. Minister, I presume I am correct in assuming you have a car from the Attorney General's office with a clerk attendant-driver there? My friend from Lakeshore says two cars from the Attorney General's office. Do you really need three cars and two or three clerk attendant-drivers?

**Hon. Mr. Welch:** The minister has one car and one driver.

**Mr. Singer:** All right. What does this fellow do in the office of the Provincial Secretary for Justice?

**Hon. Mr. Welch:** He drives the minister.

**Mr. Singer:** He drives the minister. Is there a similar position in the Attorney General's department?

**Hon. Mr. Welch:** Yes, but not filled, obviously.

**Mr. Singer:** It is not filled? So that one or the other budget is padded again.

**Hon. Mr. Welch:** Oh, Mr. Singer!

**Mr. Singer:** Of course it is. If you have two people doing exactly the same job with two sets of estimates and you are only using one, you are padding one estimate or the other one.

**Hon. Mr. Welch:** The position is not filled.

**Mr. Singer:** And there is no way it is going to be filled, is there?

**Hon. Mr. Welch:** As long as there is the same minister looking after both duties it won't be filled.

**Mr. Singer:** That's right. You have said that is the way it is going to be, so obviously that is padded.

**Hon. Mr. Welch:** That is the way it is.

**Mr. Singer:** Yes. And what does the administrative office—

**Mr. Bullbrook:** I can see an anomaly there somewhere—if I may interject, Mr. Singer, for a moment.

**Mr. Singer:** Yes.

**Mr. Bullbrook:** I can see what you are saying, Mr. Secretary. You are saying we must provide for a contingency when you don't occupy these two portfolios or responsibilities. The fact of the matter is, aren't we really called upon as a Legislature to vote funds having regard to the fact that one man occupies both positions at the present time?

**Hon. Mr. Welch:** I guess that is the best way to express it.

**Mr. Bullbrook:** Wouldn't the provision of these funds, having regard to the present set of circumstances, be a redundancy?

**Hon. Mr. Welch:** No, we think it is wise to proceed with our estimates on the basis of this organization whether or not all these positions are filled. Of course, if they are not filled the money will not be spent.

**Mr. Lawlor:** How do we know you will last on the job? After these estimates you may not.

**Mr. Singer:** What bothers me is—and I have established the point—there's no point asking what the administrative officer does or the secretary, or all the rest of them. You have got a great overabundance and duplication; and I am sure this is reflected through the other departments of government. Your estimates are padded and they're phony and this is one of the reasons why I have absolutely no intention of withdrawing my original motion. I think it is all the more reason why all of the members of the committee should vote for the original motion and reduce the estimates of this department to \$1.

**Mr. Chairman:** Any further comments? Mr. Lawlor.

**Mr. Lawlor:** Throughout the justice policy estimates, as I have looked at them, including the Attorney General, the services aspect in most instances has declined—but in 1973-1974 it was \$54,000 in that year; why has it doubled?

**Hon. Mr. Welch:** I am sorry, Mr. Chairman.

**Mr. Lawlor:** It was \$54,000 in 1973-1974 and 1972-1973—

**Hon. Mr. Welch:** In the services?

**Mr. Lawlor:** Services, yes. Why have the services jumped considerably?

**Mr. Singer:** Because you have got less people.

**Hon. Mr. Welch:** Mr. Chairman, the hon. member makes reference to the fact that in our budget of 1973-1974 this item was \$54,000, and has now been increased. It is anticipated that this involves a number of items with respect to the retention of consultants, and indeed some special projects deemed by my predecessor in preparing this thing, that there would be some expansion at least in those areas in order to be of more support to the work of the committee.

**Mr. Lawlor:** Could you give us some idea what those special projects might be?

**Hon. Mr. Welch:** Well, for instance, we did have the coordinating committee on criminal activity. There will be a number of special projects which I plan to discuss with my col-

leagues once these particular estimates are cleared.

**Mr. Lawlor:** Would that particularly involve consultation with outside personnel of any kind to whom payment would have to be made?

**Hon. Mr. Welch:** Yes.

**Mr. Lawlor:** I see. Are there any others of a similar nature?

**Hon. Mr. Welch:** I haven't got any at hand at the moment, but certainly this is the explanation which I have in respect to why this item has been increased; that there would be more activity along that particular line—outside consultations.

**Mr. Lawlor:** Have you engaged outside counsel for opinions, or otherwise, inside the work of your ministry?

**Hon. Mr. Welch:** That would be mostly done through the Ministry of the Attorney General.

**Mr. Lawlor:** I see. You haven't done it yourself with this cap on?

**Mr. Chairman:** Any further questions?

**Mr. Bullbrook:** I just want to ask something that I can't understand readily. Since it was the intention, I think, in the original Committee on Government Productivity not to relate your responsibilities to administrative or technical responsibilities, but to give you an opportunity to digest the full implications of Bill C-7 of the federal government, I can't understand why you would assign—just from a practical point of view—your chauffeur to the justice policy field? Can you help me? One regarded the development of policy as a rather more ethereal intellectual involvement. I just wonder why. I realize it's an arbitrary decision—it all comes out of the public purse—but why did you come to the conclusion that a chauffeur really related to justice policy rather than the administration of justice?

**Mr. Lawlor:** Because when he's thinking, he needs a chauffeur. When he is not thinking as Attorney General, he drives his own car.

**Mr. Bullbrook:** It would seem to me that one would think that the provision of a chauffeur, which you require, is in connection with your administrative responsibilities.

**Hon. Mr. Welch:** I would be glad to take that under advisement.

**Mr. Bullbrook:** You don't see any anomaly at all?

**Mr. Renwick:** You are certainly at home with this ministry, aren't you?

**Mr. Bullbrook:** Mr. Richards, for years—and may I say Mr. Richards performs a significant function for your ministry, for years involved himself with the day-to-day routine obligations of the Attorney General's department. We know that. He has been of great assistance to us from time to time in undertaking our collective or individual responsibilities.

I just can't for the life of me understand how Mr. Richards' involvement would be in the justice policy field, because he really has to do with the administration of the Attorney General's department.

How you come to these conclusions, I don't know. Really, Mr. Minister, it is a charade. You know it is a charade. You are part of the game that is being played. You did the same thing when you were in the social development policy field. You recognize that. There were many matters brought to your attention that were truly matters of social development, but you turned them over to ministers who supposedly had nothing to do with policy.

Now we come to grips with actual expenditures of government funds that have no relation to the development of policy at all. How, in your wildest dreams, can you possibly rationalize that a chauffeur driving a car has anything to do with the development of justice policy?

**Mr. Singer:** When you already have two cars.

**Mr. MacBeth:** When I was reeve of Etobicoke I used to have a chauffeur.

**Mr. Singer:** We are not quarrelling about having a chauffeur. I know he should have at least one.

**Mr. MacBeth:** I used to discuss many of the things that we were doing with my chauffeur.

**An hon. member:** Some of your best ideas came from the chauffeur.

**Mr. Singer:** Right. That is how justice policy is formed. Right?

**Mrs. Campbell:** I want to ask a question.

**Mr. Renwick:** And dialoguing with the driver.

**Mr. Chairman:** Thank you, Mr. MacBeth, for interjecting that humour. Now Mr. Lawlor had a question, then I believe Mrs. Campbell wants to ask a question.

**Mr. Renwick:** Thank you. The member for York West hit upon it.

**Mr. Singer:** You have got the answer. It escaped us all.

**Mr. MacBeth:** There's a lot of truth in it.

**Mr. Chairman:** Mr. Lawlor.

**Mr. Singer:** Maybe you should make him one of the programme executives.

**Mr. Chairman:** Mr. Lawlor.

**Hon. Mr. Welch:** Just in order that I might clarify the record, a re-examination of the apportionment of staff would show that the driver assistant is in fact not charged to the vote of the Provincial Secretary for Justice—

Interjections by hon. members.

**An hon. member:** Isn't that nice?

**Hon. Mr. Welch:** —but is in fact paid from the Attorney General's estimates.

Interjections by hon. members.

**Mr. Bullbrook:** You'd better start again on that 14 business, Singer.

**Mr. Singer:** Well, my figures are all wrong then. Of your complement of 14, you have eight—

**Mr. Bullbrook:** Don't start again.

**Mr. Chairman:** I suppose, Mr. Bullbrook, we can erase your comments from the record.

**Mr. Singer:** If we can get it down to seven and seven, we can do away with the half the vote.

**Mr. Bullbrook:** We can begin by erasing the minister's comments.

**Mr. Renwick:** Where does the private secretary go?

**Hon. Mr. Welch:** The Attorney General.

**Mr. Renwick:** Are you sure of that?

**Mr. Chairman:** Well, now that that is clarified, Mr. Lawlor, you had a question?

**Mr. Lawlor:** Yes, my question is, what is left?

**Mr. Chairman:** Well: I think you can arrive at that by deduction.

**Mr. Lawlor:** All right. On the commission on Uniformity of Laws in Canada, do you attend that as the provincial secretary? Is that part of your responsibility?

**Hon. Mr. Welch:** I haven't yet, but there is such a meeting scheduled in August, to which I have been invited and to which invitation I responded yesterday.

**Mr. Lawlor:** And this is embodied in these estimates? How much money is allocated to that purpose?

**Hon. Mr. Welch:** I really couldn't give you that breakdown. I suppose it is just part of the general operational work of the secretariat.

**Mr. Lawlor:** Within travelling expenses?

**Hon. Mr. Welch:** I would think that would be how that would be looked after, yes.

**Mr. Singer:** Wouldn't you attend that as the Attorney General, and wouldn't that come under your main office vote, 1201, where you have got \$189,600?

**Hon. Mr. Welch:** I suppose it would.

**Mr. Singer:** Yes.

**Mr. Chairman:** Further questions?

**Mr. Singer:** It boggles the mind.

**Mr. Chairman:** Mrs. Campbell you have a question?

**Mrs. Campbell:** Yes, I am truly trying to understand this. I wonder if I could learn from this minister, when he romps across the province trying to find out whether it is acceptable to the people of this province that women be given equal civil rights, will he be discussing this matter with his driver and will he be discussing it as the secretary or as the Attorney General? I think it is important that I understand this point.

**Hon. Mr. Welch:** On the first part of your question I think you are being absolutely facetious with respect to consultation with my driver. I think when Mr. Bullbrook made some humorous remarks it was very funny at the time but I fail to see how much more humour one can get out of that point.

**Mrs. Campbell:** It is tragic. It isn't funny.

**Hon. Mr. Welch:** On the second one, the policy, if the hon. member is really interested in law reform, and I assume that she is, she has a minister here in the person of the Attorney General who shares that inter-

est. He will have the first line of responsibility to develop the policy submissions in this regard. I think it would be quite right to expect the Attorney General to take some leadership in that regard.

**Mrs. Campbell:** That kind of programme will come under the Attorney General?

**Hon. Mr. Welch:** Yes, you may be asked to vote money for that in the estimates of the Attorney General.

**Mrs. Campbell:** I see. The policy consideration of such an important matter will not be within the policy secretariat but will come under the Attorney General?

**Hon. Mr. Welch:** No, that is not correct. The Attorney General will have some responsibility for developing a policy submission on that particular subject area which he will take to the policy field for the consideration of his colleagues who constitute the membership of that committee. That committee will then make the determination as to what recommendations will go forward to the Policy and Priorities Board and government.

**Mrs. Campbell:** Just as a matter of interest, Mr. Chairman, I know you have a committee which the secretary chairs. Does the secretary have two votes at this or does he have one vote as Attorney General sitting in the chair? How is this arrived at, because it is important?

**Hon. Mr. Welch:** All the decisions of this government are arrived at by way of consensus. There are no such things as recorded votes in cabinet or committees of cabinets. It is a consensus decision, Mrs. Campbell. I think one would understand that.

**Mr. Singer:** Let me have one more whirl.

**Mrs. Campbell:** I am sorry that anyone might understand it because I find it difficult to understand this whole process.

**Hon. Mr. Welch:** Anyone who would really want to understand would have no difficulty because we have been here since last Thursday afternoon. I have been attempting to answer the questions and I apologize if I have not been able to answer them.

**Mrs. Campbell:** With respect, I have tried to understand it but the minister has failed horribly as far as I am concerned.

**Hon. Mr. Welch:** I find it difficult to understand that.

**Mr. Chairman:** Mr. Singer, you had a—

**Mr. Singer:** Yes, I want to have one more whirl with the figures here. In 1972-1973 the estimate was \$315,000 and \$228,000 was spent. In 1973-1974, notwithstanding the expenditure in 1972-1973, the estimate was \$343,000, an increase of \$120,000 in round figures. Do you have a figure of actual or estimated expenditure for the year 1973-1974?

**Hon. Mr. Welch:** I think the books haven't been officially totalled.

**Mr. Singer:** You have an approximate figure. How close to that figure were you?

**Hon. Mr. Welch:** I am not able to provide that.

**Mr. Singer:** You are not able to provide that. Can you tell me on what basis, then, the figure was increased from the only actual expenditure figures you have of \$228,000 to \$401,000 which is the figure you are asking for now?

**Hon. Mr. Welch:** I think the various votes have been added to with respect to salary adjustments, wages, costs of goods and services and the expansion of that particular area to which I was making reference in replying to the member for Lakeshore.

**Mr. Singer:** All right. In comparison with 1972-1973, was there a larger complement in 1973-1974?

**Hon. Mr. Welch:** No, the complement—

**Mr. Singer:** The complement has remained the same. In comparison with 1973-1974 is there a larger complement anticipated in the expenditure of \$401,000?

**Hon. Mr. Welch:** No, the complement remains the same.

**Mr. Singer:** The complement remains the same. It is a fascinating thing that in two years you have just about doubled your expenditures and the complement remains the same. Again, it boggles the mind. I guess we are really getting nowhere in this except that the whole thing is ludicrous.

**Mr. Chairman:** Mr. Singer, you have a motion?

**Mr. Singer:** Yes, I move that the estimates be reduced to the sum of \$1.

**Mr. Chairman:** Those in favour of Mr. Singer's motion—

**Mr. Singer:** Mr. Lawlor wanted to talk before you put this.

**Mr. Lawlor:** This wouldn't bring the estimates to—

**Mr. Singer:** This estimate.

**Hon. Mr. Welch:** Not the Attorney General's.

**Mr. Lawlor:** Not the Attorney General's. I want to point out that having been a denizen around here for a number of years it has always intrigued me to what degree is it possible to penetrate to the arcana of government? And I've heard a number of policy papers have been prepared; for instance, some kind of summarization and analysis of the LeDain report. Would that kind of thing, Mr. Minister, in your openhandedness and largesse be available to a mere member like myself, so that we might—

**Hon. Mr. Welch:** I would be very glad to discuss that with the hon. member, Mr. Chairman.

**Mr. Lawlor:** Discuss it?

**Hon. Mr. Welch:** I'll tell you, one of the reasons I put it that way is that as you know the COPG report, number—was it 7 or 9?—dealing with this whole question of disclosure of the information upon which decisions are based, becomes a very important matter in the whole cabinet system as to what information is public and what is not. And that's a matter of overall government policy, so obviously I would want to condition any answer I give to the hon. member with respect to that.

So therefore I would have to know the specific information that you would want and then would have to satisfy myself as to whether it offends any general rules with respect to disclosure.

**Mr. Lawlor:** Then you might not be averse to letting a member peruse this? It would certainly clue you in quickly to an area which I am interested in. Is the same thing perhaps applicable to your green paper on Sunday as a common day of rest?

You are getting—and we get, as members—a fair number of briefs and commentaries and letters on the subject, but nothing commensurate with what you receive. It would certainly be of benefit to us if it were possible to obtain access to documents that have come in to you. They come in to you in no special capacity—or maybe in a very special capacity in the sense that you, after

all, are the minister who went through the green paper and have provoked and invited replies. But I don't think that they are private documents in any dimension of that term and it would certainly be valuable to us in coming to a conclusion on a vexing issue, which I don't want to go into today. We'll see how you develop during the year on this particular one.

Nevertheless, the greatest amount of input in an area of this kind which arouses so much emotion and even irrational sentiment would be valuable to the members of the House. Would you be averse again to letting us peruse what input you are getting?

**Hon. Mr. Welch:** Definitely I would be, by government policy generally on the question of making reports and other material public. I would have to take that question as notice and see what type of information may in fact be available to you on that.

**Mr. Lawlor:** May I ask the minister then to give it some thought because I am interested in penetrating the woods?

**Hon. Mr. Welch:** I am very interested in the question of the hon. member on that basis. I think we should share a fair amount of that with the public generally to understand some of the decisions that are being made.

**Mr. Lawlor:** Exactly.

**Mr. Chairman:** Thank you, Mr. Lawlor and Mr. Minister. We have Mr. Singer's motion that item 1 of vote 1101 be reduced from \$401,000 to \$1. Is that correct, Mr. Singer?

Those in favour of the motion?

Those opposed?

I declare the motion lost. Shall vote 1101 carry?

**Mr. Singer:** No.

**Mr. Chairman:** Those in favour?

Those opposed?

Vote 1101 agreed to.

**Mr. Singer:** Mr. Chairman, if I may interrupt. I have to leave now and unfortunately I won't be here to take part—

**Mr. Chairman:** Well, we are very sorry—

**Mr. Singer:** —in this for the balance of the day. I'm sure the Provincial Secretary for Justice will miss me.

And unfortunately again tomorrow they are calling those two bills at the same time as this committee is sitting and I do want to participate in the debates on those—which makes it very unfortunate that these estimates are going to continue again tomorrow morning.

**Mr. Lawlor:** Are they going to continue tomorrow morning?

**Mr. Singer:** It's really a terrible burden on those of us in the opposition who feel that we should be here and that we should be in the House as well, because certainly I want to participate in those debates.

**Mr. Chairman:** Well, we appreciate your predicament, Mr. Singer. I think others are in a similar position and if something can be done I'm sure it will be.

**Mr. Singer:** I would urge upon the chairman to explore methods perhaps even of postponing the estimates until those two bills are through second reading.

**Mr. Chairman:** Thank you very much, Mr. Singer.

And now if we could—

**Mr. Lawlor:** I don't quite agree with that, by the way, you know. I'm supposed to be something of an expert on this.

**Mr. Chairman:** That completes the estimates of the Provincial Secretariat for Justice.

**Mr. Lawlor:** No, I want to say a word.

**Mr. Chairman:** I'm sorry, Mr. Lawlor, you had a comment? Were you going to deal with—

**Mr. Lawlor:** Yes, Mr. Chairman, I had a comment.

**Mr. Chairman:** With what field?

**Mr. Lawlor:** With those remarks, I am expected to be on deck on behalf of my party as somebody of competence in the field of taxation and the bills are coming forward and I simply can't be there. I would ask you to give this some thought overnight, please.

**Mr. Chairman:** All right now, we'll consider the estimates of the Ministry of the Attorney General. Mr. Havrot, would you take the chair please?

## ESTIMATES, MINISTRY OF THE ATTORNEY GENERAL

**Mr. Chairman:** We're dealing with vote 1201 under the law officer of the Crown programme. Is there any comment on the first item of \$165,500?

**Hon. R. Welch** (Provincial Secretary for Justice and Attorney General): Mr. Chairman, I'm very pleased to table, for the consideration of this committee, the estimates of the Ministry of the Attorney General.

Rather than any detailed introductory remarks on my part, I would rather do it on a vote by vote basis. I might say at the outset that I'm looking forward to the discussion with respect to these estimates, particularly as it will relate to the administration of the courts, the tremendous opportunities we have for law reform, and indeed the whole question of the administration of justice. Perhaps with those introductory remarks you might simply proceed to consider these estimates in detail.

**Mr. P. D. Lawlor** (Lakeshore): One question before we launch: Will you locate for me where the systems development branch is under the votes?

**Mr. F. W. Callaghan** (Deputy Attorney General): It will be in this vote, 1201, item 3.

**Hon. Mr. Welch:** Yes. Policy development.

**Mr. Chairman:** Any further comments, Mr. Lawlor?

On vote 1201:

**Mr. Lawlor:** With respect to item 1, the Attorney General himself, I want to thank the Attorney General of the province for having placed in our hands, before these estimates started, a black book with a red cover, giving us detailed information, in somewhat exquisite detail even, of the various programmes by activity and the items, breakdowns of this as to not only what was actually spent in the 1972-1973 period, but a forecast of what is expected to be actually spent over against the estimates of last year, 1973-1974, and then the figures for this year; as I say broken down elaborately and in apparently the same volume that the Attorney General or his deputy use in seeking to answer questions by us from year to year.

That is a monumental move forward and entirely beneficial. It only remains to determine whether this will foreshorten and act as a brevity inducer with respect to these estimates. I think it will. Not nearly as many

questions will have to be asked as to staff, because under this vote it's all set out. There are seven on the staff, and that is the first item, and who they are, and without going into the various activities they perform I think we've got a pretty shrewd notion of what they may be in this regard. That foreshortens the necessity of elaborate estimates on many counts, and therefore we can, particularly when we reach the courts, give far more elaborate and intent dissertations upon the operations of the courts and these munificent tomes that we're possessed of now, as to the re-elaboration, reorganization of that whole structure and what we happen to think about various aspects of its ongoing life. It's highly beneficial.

Now in this regard, in the 1972-1973 actual expenditures—I went back each time to this year because that was the last time I could actually reach a definite figure that was spent—under services you spent \$35.8 million—

**Mr. Chairman:** Thousands.

**Mr. Lawlor:** —thousands—and in services this year you're spending \$61,000. In other words, that has increased almost double again. Can you give me some explanation as to why this should be so?

**Hon. Mr. Welch:** Perhaps you might comment on that, Mr. Callaghan. May I introduce Mr. Callaghan, my deputy minister, Mr. Chairman, and Mr. Pukacz the general manager of the ministry. The question before us is some explanation as to the increase from \$40,000 to \$61,000 for services under item 1 of vote 1201.

**Mr. Callaghan:** What we are proposing to do—

**Hon. Mr. Welch:** I'm sorry—

**Mr. Lawlor:** From \$35,800 to \$61,000.

**Hon. Mr. Welch:** Oh the actual, I'm sorry.

**Mr. Callaghan:** That expenditure is put in there because what we are proposing to do over this next year we hope is publish a series of booklets for non-Anglo-Saxon citizens in the province dealing with various aspects of the administration of justice. Just short, small descriptions in various languages of maybe their rights or their procedures through the courts, or what they are expected to do on jury duty. That was the reason for that increase.

**Mr. Lawlor:** How many languages.

**Mr. Callaghan:** We hope to do it in Italian, and Spanish and Portuguese and the Slavic languages. We haven't really isolated—we haven't limited it to any particular number. What we are trying to do is identify the communities that would be most benefited by it and then prepare pamphlets that we can distribute among them.

**Mr. Lawlor:** How many pamphlets have you in mind in this concern?

**Mr. Callaghan:** We have in mind, in general, areas of law such as courts, jury duty, traffic offences; there is a series of them.

**Mr. Lawlor:** And arrest?

**Mr. Callaghan:** Yes, and arrest and bail.

**Mr. Lawlor:** I don't suppose you go into their rights with respect to appeal procedures or things of that kind?

**Mr. Callaghan:** The actual format of the court procedures? One hasn't been laid out. I would think that the appeal rights would have to be specified to a certain extent. We have to go at it slowly, because often a problem with this kind of pamphlet is that it creates misapprehension as to the rights of certain individuals unless it is very carefully worked out. We would hope that we can get the programme going this year out of those funds; and if it is successful we could expand it.

**Mr. J. P. MacBeth (York West):** Will we have one in English as well?

**Mr. Callaghan:** We hadn't planned on putting it in English.

**Mr. MacBeth:** I'm quite serious, I'm not being facetious. But if you feel that this is desirable, particularly in matters of bail, for some Canadians who don't speak English, I think it might be helpful for English-speaking Canadians as well.

**Hon. Mr. Welch:** We have some publications now, I think, on that subject.

**Mr. MacBeth:** That's all I'm asking, really; whether you have some of those pamphlets in English.

**Mr. D. M. Deacon (York Centre):** How are you going to distribute these publications? How are you going to have them made available?

**Mr. Callaghan:** We propose to make them available through government buildings, government stores.

**Mr. Deacon:** Will they be available in police stations?

**Mr. Callaghan:** We actually thought we would put some in the liquor control stores and some in the police stations. I mean it is a question of trying to reach the people that need them.

**Hon. Mr. Welch:** Community and Social Services also, Mr. Chairman, have a programme of publications of government services generally, and I've adopted some distribution system through them as well. We have special groups where we would have to make sure that they were brought to their attention.

**Mr. Deacon:** Do you make use of federal offices of Manpower and places like that, where a lot of people would be going normally?

**Hon. Mr. Welch:** I'm not sure where all the drop points are with respect to the pamphlets that we distribute through the government services—through Community and Social Services.

**Mr. Deacon:** I'm sure that some of the federal departments would also probably co-operate. They have buildings where people go every day.

**Mr. Chairman:** Mr. Drea.

**Mr. F. Drea (Scarborough Centre):** Yes, these would be aimed at people who are from areas outside the scope of English common law pretty well?

**Hon. Mr. Welch:** Yes, many people would come from other systems—that's right.

**Mr. Callaghan:** Yes, the problem is a lot of these people don't understand our system and the idea is to try and explain, in very basic terms, what the system is, how it works, how they are affected by it, what their rights are under it. It is directed at that group of citizens.

**Mr. Drea:** Are we going to do anything in civil law?

**Mr. Callaghan:** If the programme succeeds. I think the initial pamphlets will relate primarily to criminal liability.

**Mr. Drea:** And traffic.

**Mr. Callaghan:** Yes, traffic is included in that. If the programme succeeds, I would hope that we would be able over the next few years to probably cover most of the areas

of law that these people are directly affected by, including purchasing of houses and things of that sort. We can't act as solicitors for them but we can perhaps give them an indication as to where they go and how they go about these things.

**Mr. Drea:** I wasn't thinking so much about that as I was, for instance, of family law which is sometimes very difficult for the females because they come from a different type of society and there's a different environment. I wasn't so much thinking about property law as I was little things on family law.

**Mr. Callaghan:** I think I would agree that would eventually be covered when we decide what the family law is going to be.

**Mr. Chairman:** Is there any further discussion?

**Mr. Lawlor:** Just one other thing on that. There are legal aid pamphlets too. You don't intend though, through your department, to make them available in the other languages?

**Mr. Callaghan:** No, that would be done through the legal aid committee in its programme. We don't feel that we should encroach on that because they have jurisdiction in that area.

**Mr. Lawlor:** Against the 1972-1973 actual expenditures which was \$55,000—in this particular item \$55,700—you are spending \$77,300. That's quite a jump in the two years. Have there been considerable increases in salaries?

**Mr. E. K. Pukacz (General Manager):** May I explain it? This was the same position as we have now; the policy field and the Attorney General were one and the same at that time.

**Mr. Callaghan:** By and large, I think you'll find as you go through these estimates there has been a factor put in there for inflation as well as increases in salaries. Generally, throughout the ministry, that's almost a standard factor in all our estimates. We are faced with, as you know, inflation; we are faced with increasing salaries. The \$22,000 increase would represent that factor as I understand it—correct me if I'm wrong, Mr. Pukacz—for the staff, with the exception of the minister.

**Mr. Lawlor:** May I quizzically ask you, what is the government planning as the inflationary factor?

**Mr. Pukacz:** This year we used three per cent for services and other expenses and five per cent for salaries, but these had to be adjusted before the budget was finalized because a number of negotiations with staff have been completed. The actual average increase was between eight and nine per cent for the first year and seven per cent for the second year negotiated. These estimates have been adjusted to the actual in most cases.

**Mr. Lawlor:** Don't you think, sir, that you grossly underestimated the—

**Mr. Pukacz:** Yes, we have.

**Mr. Lawlor:** I couldn't escape that question.

**Hon. Mr. Welch:** No, that's quite right.

**Mr. Lawlor:** There is a factor worked into that thing simply to pick up on the inflationary situation? Take a look at supplies and equipment. That's a glory to behold—it's a reduction. It came down from \$22,900 to \$12,700; in other words it dropped by \$10,000. That goes a long way to paying the minister's salary.

**Mr. Callaghan:** We were faced, and we always have been faced until recently in our ministry, with the fact that the ministry itself was located at 18 King St. and the minister's office was at Queen's Park. Over the last two years—1972-1973, 1973-1974—we had to budget to establish a ministerial office at 18 King St. with the ministry. That office has now been established; it was completed last year and we don't have an expenditure in the estimates this year for any furnishings or anything for the minister. It's already there. That's the reason for that drop.

**Mr. Lawlor:** All right. The Deputy Attorney General, item 2—

**Mr. Chairman:** Shall we stay on item 1 first? Any further discussion under item 1? Carried?

Okay. Item 2, Deputy Attorney General, Mr. Lawlor.

**Mr. Lawlor:** Again, I am not going to repeat this beyond, I don't think, this particular point. Services have gone down from \$67,700 to \$17,600. Why?

**Mr. Callaghan:** Prior to the establishment of item 3, which is the policy development, the funding of the research, such as it was in our ministry, was done through the vote of the Deputy Attorney General's office. With the establishment of the policy development that \$50,000 fund for contractual research

was shifted into the next item. That is the reason there for the decrease.

**Mr. Lawlor:** It sure was, eh? Again, I suppose the same answer, with supplies and equipment from \$17,900 down to \$10,500. Are we established in King St. and your demands there have levelled out?

**Mr. Callaghan:** That's right.

**Mr. Lawlor:** And you don't need that money. That eight staff there for the Deputy Attorney General, has remained fairly constant the last few years?

**Mr. Callaghan:** It has, with the exception of the addition of the one counsel and a secretary. I should explain that by the Statutory Power Procedures Act the deputy is charged with the chairmanship of the statutory powers rules committee, and that committee is just getting off the ground now. It requires a full-time—I don't like to say full-time—but it certainly requires a half full-time legal person to prepare the background material to bring forward for the consideration of that committee. This year that position was established so that the committee could get under way and have some back-up resource for it. It is a committee that is established by the statute to review the statutory rules and the procedures followed by the various boards and tribunals, and it is just getting off the ground now.

**Mr. Lawlor:** I take it from what you say, Mr. Callaghan, they have been drafted. The rules are available.

**Mr. Callaghan:** Well, no. Perhaps if I go back a bit, the function of the committee is to keep under review the various procedures followed by administrative tribunals.

This position is not filled yet, I should advise you. The committee was put together in November, 1973, and had its initial meetings for the purposes of outlining its needs and the areas which it proposed to review. In the course of those deliberations it became obvious, in view of the wide ambit provided by the Statutory Powers Procedures Act, that for the committee to effectively discharge its functions it would need some back-up assistance on a full-time basis. The staff that was in my office at that time because of the pressure of the work load is just incapable of doing it, so that position was created as counsel.

**Mr. Lawlor:** They are not working on rules in the sense of ultimately bringing out regula-

tions or amending the Judicature Act or the rules of practice?

**Mr. Callaghan:** No, no; that's different.

**Mr. Lawlor:** Nothing like that?

**Mr. Callaghan:** The rules of practice and the rules committee under the Judicature Act are something that comes up under vote 1206 when we come to court administration.

**Mr. Lawlor:** This is a review function?

**Mr. Callaghan:** This is a review function.

**Mr. Lawlor:** Yes, I see. Are those decisions and the postulates on which they are made going to be published? Has that been made available?

**Mr. Callaghan:** We are required by statute to provide an annual report. We haven't been going for more than three months. We would hope at the end of the first year to have a report indicating the nature of our inquiries, our deliberations and their proposals.

What we are doing at this time, just for your information, is trying to lay out the groundwork of where we propose to operate and how we propose to operate.

**Mr. Lawlor:** And there is an extra secretary, then? Is that the case?

**Mr. Callaghan:** Yes, one of the secretaries is provided for that.

**Mr. Lawlor:** For that particular task, okay.

**Mr. Chairman:** Any further questions under item 2, vote 1201?

Carried.

On item 3, vote 1201, policy development.

**Mr. Lawlor:** In policy development, the salaries have escalated very considerably, from \$286,400 to \$418,300.

**Mr. Callaghan:** I think the basic explanation for that, Mr. Lawlor, is that the systems development programme prior to the establishment of this function rested in the finance and administration division of the ministry. When we determined last year to proceed with a policy development division, we transferred the systems development personnel from financial administration personnel into this particular area and that meant an increase in personnel of approximately 19 people. So the salary increase represents the salaries of those 19 people. It's a branch of another—

**Mr. Lawlor:** Ah.

**Hon. Mr. Welch:** It's related to the number of people on the complement.

**Mr. Lawlor:** Your total complement in that area this year is 25?

**Mr. Callaghan:** That's right.

**Mr. Lawlor:** And 19 have been recently added?

**Hon. Mr. Welch:** They came from another section.

**Mr. Callaghan:** That's right. They came from another branch of the ministry.

**Mr. Lawlor:** Now you have given some résumé and some indication of the research business, but the figure for 1972-1973, I think, was \$67,800—I can't read my own writing.

**Mr. Chairman:** Under services?

**Mr. Lawlor:** Yes, under services—and now its \$338,000. That's a very great jump. Would you spend a little time on that aspect?

**Mr. Callaghan:** Well, I think you probably have to go back to what we are trying to do through this division. Up until the establishment of this division in 1972-1973 we had no sort of policy development for the internal purposes of the ministry and the review of our legislation was done through various areas.

It was determined as a result, I guess, of the COGP recommendations, together with the reorganization of the ministry at that time, that we needed to concentrate the policy problems of the ministry in one area. We started off with an assistant deputy and one legal officer.

We recognize that one of the major problems today in the courts administration, certainly in the administration of justice generally, is that we have no management information system. We had no programme that was really developing such a system. We felt this was an area to which we had to give immediate attention, so we transferred the existing systems development branch into this division. Then we proceeded to develop that area so that we can provide—again I don't want to give any representation that we are at the point where we know what we are really doing—you know, it's a developing—

**Mr. Lawlor:** Your minister gives the soft answer that turneth away wrath, but you are so frank you just take the ground right from under a critic.

**Hon. Mr. Welch:** That's why he carries his present Christian name.

**Mr. Callaghan:** Well, when you have to co-ordinate management information with prosecution of criminal offences and the operations of courts, it is almost a new and developing field. We have to develop systems which will give instant information to the government as to what is going on in the courts, what is going on in prosecutions and what the incidence is of certain types of conduct and how they are treated throughout the Court. This is a big programme in itself and we have been trying to develop it and establish it.

One of the things we have done here—and it is reflected in these figures—is we have introduced the CYCLOPS system in the county of York for computerized case loading. That came into operation in September I think, and it has proved very effective; except, as with all mechanical devices, we have had a number of breakdowns.

We have had disasters of the sort where the computer breaks down and the case loading goes off kilter for three days; the cases back up and nobody knows what court a case is in. As a result, we have to contract with people with computers to fix it up. We are going through what you could call growing pains in the area. This is the vote and this is the area where we are doing it.

Next year we want to expand our management information system, not just to case loading but to various types of factors which take place in the provincial courts. It is our hope, by the fall or the end of 1974, to have a new management information system operating in the provincial court, criminal division, then into the other two courts, which have much lighter case loads but could use the system also. We are concentrating our efforts initially on the provincial court, criminal division, because that is where the great majority of people see courts.

That really is the reason for that increase and proposed increase.

**Mr. A. Carruthers (Durham):** What use is made of this information? What is its greatest value?

**Mr. Callaghan:** Well, Mr. Carruthers, in order to know where you want to make adjustments in the court system, and in order to try to figure out what adjustments are proper to perhaps stream cases into different courts or stream jury panels into different courtrooms before different judges, you have to know what is going on in the courts. We

have over the years operated the courts on almost a count-them-up system; you count the number of papers and try to develop something from that.

What we are trying to do here is to bring in a system that will give you a much broader perspective of the overall operation. The eventual result we would like to get would—for instance, take criminal cases in the provincial courts; there should be a system. And this is what we are heading for—we hope we can work it out—is that where every case not on for trial, say within 60 days, pops up, either a red flag waves or a computer light goes on, and somebody says, "What's wrong with that?"

**Mr. Lawlor:** The cyclops rolls his eye.

**Mr. Callaghan:** That's right. But if you can't get to that point you can then say, "Well, let's check it out and see why this case is not following the normal mainstream." And we consider it the obligation of the Attorney General to be able to know what cases are being delayed and for what reasons; and to take whatever steps he can to try and get them back into the mainstream.

There are always going to be many, many reasons why any particular case cannot meet these standards because there are an infinite variety of factors that go into a case. But what we have to do is isolate these basic factors, and then we have to integrate a system with the processing of the cases through the court so that when something does go wrong we are aware of it. Right now, unfortunately, we do not have that information, and that is one of the reasons we get many complaints about our court system.

So, this is really a tool to assist the minister in keeping his eye on this.

**Mr. Carruthers:** This will assist in alleviating the present criticism we are receiving, and would also reduce the number of adjournments of cases in courts.

**Mr. Callaghan:** That's right. I guess in the normal case there are possibly four adjournments built in.

I don't want to appear to say that we are almost on the verge of having our system; we aren't. I mean, this is a very complex, complicated thing that has to be worked out with people who have techniques and disciplines that are far beyond my understanding.

But, if you should take the question of adjournment, surely you should know that you can conclude by the way the system works, having regard to the fact the fellow is called

into court, he applies for legal aid, it takes him three weeks to get a legal aid certificate, this sort of thing. You can pretty well calculate the ordinary, average case may take four adjournments; when cases take seven and eight adjournments, there must be a reason for it.

Now in some cases the reason is legitimate; in other cases the reason may be something that is not acceptable to the court system. It may be for reasons that we don't feel are proper. Those cases should pop out; there should be someone reviewing those cases so the minister is aware of the particular problem areas. If the system gets to the point where it works perfectly, then I imagine the information system is not necessary. But we are a long way from that.

I don't want to give the impression that we are close to solving this problem. This is something which I imagine will be discussed in the estimates of this ministry for four or five years.

**Mr. Chairman:** Any further discussion under item 3, vote 1201?

**Mr. Lawlor:** Yes, I have. I would like to mention this a bit further. It is a major item; it is the business of the systems development branch. Let me cite what was said in the report on administration of Ontario Courts, part I, as in the very introduction, as it began.

The systems development branch of the Ministry of Justice has asked us to point out that although its reports referred to in this report are generally accurate in demonstrating trends, they are not precise in every detail. The data collecting programme of the ministry is still in its infancy and is undergoing revision as experience is gained.

Then at page 35, the following remarks, which are pertinent to this item, are set out:

In response to the McRuer commission's recommendation that better judicial statistics be kept [and that's some time ago, now; four or five years] the Ministry of the Attorney General has through its systems development branch started compiling, on a regular basis, statistics on the basic operations of the courts, the number of actions and prosecutions commenced—

And if I may pause at that point, you are the first to concede the obviously serious deficiencies.

I think it's in the second or third part, they try to make a review of the provincial

courts criminal jurisdiction, or the criminal courts generally—the county and Supreme. You know, they were really unable to determine in this province how many cases were either pending, had been tried, or what stage they were at. In a province of this sophistication it was really an amazing thing. It was only through the good offices of Chief Judge Andrews of the family court division, on his own hook, making investigations and a tabulation of the family court situation, that they were really able to have a foundation at all, however minimal, upon which to even write the family court report. That becomes abundantly clear.

The hiatus and the dearth of information is, I think you'll agree, somewhat appalling and it does not reflect well upon the past governance of this particular portfolio, that that condition should have obtained or been permitted to obtain as long as it has. It's only through the auspices of the Law Reform Commission seeking to revamp an outmoded court structure where delays are rampant and costs are altogether out of line, and because of overlapping jurisdictions and conflicts inside the thing, which causes an infinite amount of trouble to the profession, and to the judges themselves, again to the greatest inconvenience to the public, that this has come to light and a start has been made upon it.

Well, to return to the text: "the number of actions and prosecutions commenced, actions set down for trial, dispositions"—what happens to the darn things?—"actions remaining untried on the list by age, etc." They made a special survey, again in the civil and criminal courts, in an 18-month period I believe, I forget the details. These reports are so elaborate that one can't retain—

**Mr. Callaghan:** With respect, if I could make a point on that. What they used were reports that were prepared in 1968 and 1969 by the ministry. Those reports formed the basis for a lot of the material that they refer to there.

That report was done as a result of an attempt in the ministry in 1967. I remember that clearly because that was when I was working earlier with the ministry. We hired something in the neighbourhood of 40 students one summer. We sent them to all the court offices in the province. We had them pull every file in those offices in reference to particular types of lawsuits, and we had them index them and indicate the nature and disposition of them and we prepared that folio of material.

No offence to the Law Reform Commission, but that was something the ministry did itself and which they had the advantage of. That material was under study at the time the administration of the courts survey was directed by the then Attorney General, and the material was given to them.

I'm just trying to make the point that we've been aware of this problem, and we have recognized it, we've tried to work on it. We realize that it is a problem that we have to deal with in the future and we're trying to deal with it right now.

Mr. Lawlor: Even at that and even within that particular period of time, as I understood the situation, there were grave deficiencies. There's a table "I" involved in this mountain of reports somewhere, as I recall, which shows the period of time from the commencement of an action or the issuance of a summons up to the setting down, and then the next period was from the setting down to the trial. And what happens in between was kind of a lost cause and couldn't be determined. But within the diameters of a set period you were able to nail down certain pertinent facts in that area, far from what you're seeking to do now as to the various stages through which an action may go, and as to the motions that may occur inside the action, and as to the machinery for delay that can be exercised by adroit solicitors in this particular regard.

Well, just to continue and get this on the record, because I think it's valuable for the profession and for those who are concerned with Hansard—thank you for coming, Margaret, I was beginning to feel that the Justice estimates were up for grabs this year.

Mr. Carruthers: Yes, you looked lonely over there.

Hon. Mr. Welch: We're on vote 1201, item 3.

Mr. Lawlor: A terrible feeling of dereliction was beginning to seize me.

Mrs. M. Campbell (St. George): Thank you, Mr. Minister. I am showing my interest, notwithstanding the minister's earlier remarks.

Mr. Lawlor: I think what I needed was the feminine touch.

Hon. Mr. Welch: Those remarks still stand, and I only hope we can be more constructive in our subsequent encounters.

Mrs. Campbell: I hope that you can be more careful in your explanations.

Mr. Lawlor: I hope you are bringing a somewhat maternal tone to my lonely travail at the moment.

Interjection by an hon. member.

Mr. Lawlor: I see. Okay, we'll get on with it.

This represents an important step in the development of a management information system for the courts, but there is still much relevant data on court operation that is not readily available or being collected. In part this is due to the fact that to date the systems development branch has laboured under the handicap of not having professional court administrators to assist and direct the branch by formulating the decisions to be taken and indicating the necessary information to be gathered.

I'm not quite sure, without this particular kind of personnel, what is grist to the mill, what would be indicative and what would be valuable in streamlining and reformulating the operations of the courts.

But it also seems apparent that the financial restraints under which the branch has operated have seriously limited its output in development.

And if I may take the pause that refreshes, what about that? What about that?

Not only in terms of the estimates we've just concluded, but within these estimates too the chief complaint, and the somewhat bitter complaint, that rings throughout these massive volumes is that justice in the Province of Ontario is grotesquely underrated and underfinanced. That out of the total provincial budget of last year's \$7 billion, \$0.7 billion I believe—some remote figure like that—was allocated to this particular area of the expenditures of the province.

If you take the figures of, say, the provincial court criminal jurisdiction alone, they brought in more money by way of fines and various imposts on individuals than what they expended in terms of their financing. If you took the \$52 million that was involved in one year in the whole court structure, leaving out Crown attorneys and leaving out, of course, what was expended by the federal government for county court and Supreme Court judges upon which you've been somewhat niggardly, over against the \$52 million or \$54 million, I forget precisely, \$42 million of that, say, came in by way of fines.

So, the offsetting figures which do not appear on our estimates in terms of receipts, of course, is that the courts are coming into a position of being self-financing without any recognition. Ought not some of that money be expended in a vastly expanded programme?

Now, I'm on the edge of a precipice. Both my colleagues here are desperately anxious, I'm sure, to discuss these matters with some detail. The whole problem of what the ministry is thinking is with respect to these various reports, and particularly with respect to introducing a new management which would require a very great expenditure of money, comes into the forefront in full play. I'm sorry, perhaps I should delay prodding on this particular point until other people who are vitally interested in this area, as I am, appear. Do you think that would be wiser?

**Hon. Mr. Welch:** I might suggest, Mr. Chairman, subject to the decision of the committee, that if we wanted to get into—and I would hope so—a fairly detailed discussion about courts administration, and particularly of those references in the Speech from the Throne which would indicate some intention of making some initial moves, it may be that vote 1206 would be the appropriate vote to use for purposes of that discussion.

Surely, it must be discussed some place in these estimates and I would think that perhaps 1206 might be a neat place to do that and review the whole question of courts administration.

**Mr. Chairman:** Courts administration programme. Right.

**Mr. Lawlor:** I'm content with that.

**Hon. Mr. Welch:** The other point I want to make is that certainly I'm grateful that the hon. member made some reference to the budgetary allocations. I will use his comments when I next go to Management Board with some of the plans that we have.

**Mr. Lawlor:** I trust you will.

**Hon. Mr. Welch:** Here, once again, it's obvious, as the hon. member has already pointed out in this item, item 3, that we're asking for some increase. Our estimates do show some increase in this area of policy development and there's no question that some of the results of this research and this investigation will, in fact, require some changes in the system with their obvious economic implications. So, I'm encouraged by his comments in this regard.

Just to go back to the other point, perhaps we could, Mr. Chairman, have that discussion in 1206.

**Mr. Chairman:** Sure.

**Mr. Lawlor:** All right. I'll just finish this. There's only a line or two more on this part where the comments of the Law Reform Commission on this very subject seems apropos:

But it also seems apparent that the financial restraints under which the branch has operated have seriously limited its output and development. [Now, there's a footnote. We won't go into that]. The importance of accurate, up-to-date and comprehensive information on the operation of the courts, if they are to be effectively administered, can hardly be over-emphasized. Such information is essential to identifying and resolving many of the problems of court administration and adequate financial support must be made available to ensure that the necessary information is collected and analysed.

This is the base upon which the whole new restructuring which is elaborate and, again, which I say is going to be expensive, must be based.

The ongoing feed-in from the various courts working with the systems branch will be absolutely crucial to the efficiency and to the justification—in monetary terms and to the taxpayers' pocket book—of the steps being taken. As a member of the opposition, I cannot too greatly emphasize what I consider the pressing need and the virtue of the report itself in its nostrums in this particular regard whatever I may think of other aspects of it.

All right; I have just one other word. As I have indicated, throughout the report, time after time—I can't lay my fingers on the various places but I did note them as I went by—throughout the various volumes on family law and upon the court restructuring, that same terrible deficiency arises when they can't make a decision because they just don't know. They always go to some length, a paragraph usually, to point out and return to what was stated in the paragraph I have just read, almost ad nauseam.

If that doesn't impress the Treasury Board, they had better dismiss the whole Law Reform Commission as being a group of dolts and having no real function to perform. If there is anything that has been emphasized this year and is of critical importance, it is this business of having a little bit more money with which to expand even the most elementary information to be obtained about

the workings of the court system. In the absence of such information, the system can be grotesquely exploited and is being exploited by many people—I hate to say it—by some judges and by the legal profession generally.

The business of the total lack of information with respect to adjournments, remands and postponements of all kinds is not just a question of lawyers walking into the provincial courts and thinking this is an inferior level of court where they can get away with pretty well anything that will suit their convenience. Particularly if they happen to have a trial either pending fairly soon or actually on in another level of courts, they derogate from the functions of that court but there's no information really.

In the absence of it, the judges really don't know what the ripoff is and what the play is with their own jurisdiction and facilities, in an ongoing way. If those figures were available and were sent out by way of a little notification to the provincial court judges, I think they would be appalled at the way their courts are being treated. They would have the overall and universal picture of the games people play in this particular regard. Probably they would have to write a psychiatric book as to the internal mechanisms of the court in this regard and it would probably render some of them schizophrenic.

Without wishing that upon even certain judges I know, I think that as it becomes available, by the very fact that awareness has come into being, there would be a very great change in the way these courts operate and the expedition with which trials go forward and with the profession itself, its sense of urgency and its sense of responsibility in going forward and forwarding the interests of its clients before the courts. Sometimes delay does forward the interests of the clients but by and large it's the personal convenience of the solicitors or the barristers involved that brings these things about and no other real motivation. That is my opinion, for what it's worth, in that particular regard.

The only other area I want to mention here is research in the wider sense. Do you do it mostly internally now or do you employ outside, and if so, whom, and how much are you paying them and all those questions?

**Mr. Callaghan:** We do employ outside researchers on certain projects. Of course, we rely on the Law Reform Commission, which is the next item we deal with. They are really an institution for research. There is, however, internal research that is necessary and that is

done by the ministry. We have commissioned a study by the centre of criminology on the exercise of the discretion of the Crown attorney, for instance, because we wanted to get some idea as to how the various discretions which are given to the Crown attorney under the Criminal Code are being exercised. We certainly indicate to them how we think it should be done, but we thought the centre of criminology could give us an adequate objective research on that aspect. That's the kind of thing we do.

**Mr. Lawlor:** How much have you funded for that?

**Mr. Callaghan:** We have \$27,000 over three years.

**Mr. Lawlor:** You no longer give any direct grants to that?

**Mr. Chairman:** Any further discussion under item 3, vote 1201?

**Mr. Lawlor:** I beg your pardon? I didn't hear the answer.

**Mr. Callaghan:** It is funded over two years.

**Mr. Lawlor:** The funding is over two years.

**Mr. Callaghan:** You can't really tie them down. We would hope we'd have it in two years.

**Mr. Lawlor:** Apart from that, is the centre of criminology doing any other research for you?

**Mr. Callaghan:** Not for our ministry at this time.

**Mr. Lawlor:** You have taken that out of your ministry completely really and put it over to Correctional Services?

**Mr. Callaghan:** Well, yes, they fund certain research.

**Mr. Lawlor:** On a constant basis?

**Mr. Callaghan:** I can't speak for them.

**Mr. Lawlor:** I see. Okay. Apart from that again, what about the outside research personnel?

**Hon. Mr. Welch:** I would just draw your attention, while the deputy is consulting, that we have two programme analysts and two programme executives as part of the staff complement there for our internal studies.

**Mr. Lawlor:** Do analysts do research?

**Hon. Mr. Welch:** Well, I think they would.

**Mr. Lawlor:** They analyse what they get, I thought.

**Mr. Callaghan:** On the legal research aspect, which I think you are directed to, that is the only project we have going at this time.

**Mr. Lawlor:** I see.

**Mr. Callaghan:** People in the ministry continually have to research legal issues. Some issues which are legal, factual and actually practical can better be done outside, because it's better to have an objective approach to them. That's the type of research we are doing at this time. Of course, the minister can explain the government's policy with reference to the Law Reform Commission, and the staff they get.

**Mr. Lawlor:** Leaving aside the Law Reform Commission, just to be clear about this, you haven't—you don't consider, I take it, that asking some law firm downtown to give you an opinion on a particular is a research matter?

**Mr. Callaghan:** Not really. That has only been done once that I am aware of in the last two years. We think we can do our own business.

**Mr. Lawlor:** You make up your own mind?

**Mr. Callaghan:** Rightly or wrongly, I think.

**Mr. Chairman:** Any further discussion, Mr. Lawlor?

**Mr. Lawlor:** Not on this particular one.

**Mr. Chairman:** Mrs. Campbell, please.

**Mrs. Campbell:** Mr. Chairman, I have some difficulty in trying to divide the various policy areas for discussion. I am assuming that when we get to the courts we shall then deal with them as the minister has suggested, and when we get to the Law Reform Commission, we will then be dealing with the major reports.

Having that in mind, I'm not quite clear on the answers given as to just precisely what is being developed or what the procedure of development of policy is under this particular head. Having diverted so many things into other sections, I'm not clear about it. I take it that from what the deputy has said that we are really not, at this point in time, involved in any specific areas of policy development under this particular vote. Well, then I wonder if I could have clarification, because I honestly didn't understand.

**Mr. Callaghan:** Well, we certainly are engaged in—it depends how you define policy—we are engaged in policy development—

**Mrs. Campbell:** It is your definition, not mine.

**Mr. Callaghan:** Well, we are engaged in policy development as it relates to the integration, the actual operation of the ministry and with reference to the delivery of the ministry programme.

For instance, the policy proposals and the implications of our provincial courts, such as the North York project—which we hope will come into operation in May or June of this year—whereby highway traffic offences can be dealt with in the tribunal atmosphere; pleas of guilty with an explanation can be entered or can be given in court. That type of programme, or this sort of new approach to things is something that emanates from this division; it is followed out through this division and the structure for that programme has been created.

The new Jurors Act was tabled and given first reading last year and covers a procedure for utilizing the assessment rolls and issuing the forms and notices to prospective jurors which come back marked off; that type of programming.

You see these are really gut, daily, practical policy development changes that are generated in the ministry and are sorted out and explored in this division and programmes for implementation development are in this division. This is the type of policy we are talking about.

With Mr. Lawlor I was discussing general research, legal research, i.e., the kind of thing where you would like a law professor to take a look at something or a criminologist to take a look at something. That was the type of research I believe his question was directed to. That was a sort of part of this.

The total policy that we work in this division is a policy of practicality, if I can call it that. You generate a new idea that relates to the operation of your ministry. You take the idea, you explore it, you recommend to the government or certainly point out the alternatives to the government on it and then you develop a means for implementing it—such as the new Jurors Act; and such as our North York project; and such as our driver suspension programme, which was initiated a year or so ago.

That is the kind of thing which this division is for, as well as preparing those submissions for policy field consideration which

relate directly to our ministry. If a proposal has to be put together for the government's consideration on a matter such as family law or something, the actual mechanics and the development of the proposal and the research background for the proposal are done in this division. The proposal is prepared, put together and sent up to the policy field for consideration.

That is the kind of thing you find, Mrs. Campbell.

**Mrs. Campbell:** Well, then, if I may pursue that, I find that things that I am concerned about seem to fall between several stools, if I may just try to explain.

At what point would your ministry become involved in a matter which pertains to human rights? For example, the function and operation of the tribunal which is within the field of Community and Social Services, namely the appeal review board.

Now, do you wait for them to bring forward something or do you look at that board and say, "This, in our opinion, should be investigated"—as many feel it should? It totally lacks the various aspects of a tribunal, but does not come within the administration of the courts, as I would understand it, on another vote. Who looks at something like that, if it isn't the Attorney General in conjunction with that particular body, or that other ministry?

**Mr. Callaghan:** I think the answer to your question was something we discussed in the earlier vote we had on item 2.

**Mrs. Campbell:** I am sorry, I was in Corrections—the minister may think properly so.

**Mr. Callaghan:** But I think, in answer to your question, that the statutory powers rules committees, which is charged under the Statutory Powers Procedure Act with keeping certain rules of tribunals under review and which, as I indicated earlier, has just been recently set up and is getting under way, would really over a period of time take a look at that particular board to which you are referring and then would make recommendations to the Attorney General as to changes that may be necessary.

As I indicated earlier, that's the vehicle that I would see performing the function to which you are referring at this time. It's not a function that is performed by any particular division of our ministry at this time.

**Hon. Mr. Welch:** Although if I might say, Mr. Chairman, not unrelated to the point

which the member for Riverdale (Mr. Renwick) was making in the vote of the Provincial Secretary for Justice when we were talking in terms of taking some further steps in the whole question of civil rights, you recall in the implementation of those sections of McRuer dealing with the subject to which you made reference, it was in fact government policy to establish the tribunal rights and to have some uniform approach to this particular matter. This isn't to say that anyone is necessarily satisfied with that, which is the indication from your comments. But at that time, my predecessors in office would have had a great deal to do with the establishment of that legislation which followed in the early days of the implementation of that section of McRuer.

I think what Mr. Callaghan is making reference to, and as I understand your question as to what is being done now insofar as a regular practice within this ministry to supervise the development of other tribunals along that particular line; I assume they are governed by the general rules of the legislation to which he has made reference.

**Mrs. Campbell:** Mr. Chairman, I would have thought that anyone concerned with law reform would be concerned about the function of a board or a tribunal of that nature, which by its very essence denies rights and opportunities to the poor who have occasion to appear before it. I don't know yet where that would appear in these estimates, nor do I understand where one talks about the fact that the Attorney General at this point is saying that one cannot set up a rent review board because it is not within the jurisdiction of the Province of Ontario.

Does that kind of policy development not come here at all?

**Hon. Mr. Welch:** No, I think what I was attempting to say, rather than getting into the merits of any particular board and its operations—

**Mrs. Campbell:** I am not suggesting the merits. I am asking about your procedures.

**Hon. Mr. Welch:** What I was pointing out was that the legislation to which I made reference in my earlier comments, of course, would have emanated through this ministry. The committee to which Mr. Callaghan has made reference, which is now constituted under that legislation, I understand one of the first groups or group of tribunals to which it's going to address its attention are those within the purview of the responsibility of

the ministry to which you have made reference.

But you see, once again, so that I am really understanding the point you are making, the vehicle for the review of the activities of those tribunals is already provided for in the statute under which this committee is, in fact, functioning. So there is that statutory provision for that type of review.

**Mrs. Campbell:** It just occurs to me, Mr. Chairman, that so many of these things get lost someplace in this great organization. Could you tell me this then, for instance, as a policy matter—and it is a very small thing to concern ourselves with in estimates of this nature: I have been having an on-going dialogue with this ministry on the question, basically, of the awards themselves, and secondly, on the face of the matter, on the policy of this government—and it is your ministry that is involved in determining that policy in conjunction with the Minister of Community and Social Services (Mr. Brunelle).

I want to know what policy you have brought forward or what policy is under consideration in these cases where children have been handicapped and where this government decides to force a parent to go into court and tries to remove all but \$1,000 of that award payment.

Your predecessor (Mr. Bales) somewhere along the line—I don't know whether it was just his policy or whether it was a policy matter under your development—came to the conclusion that he would raise those exemptions to \$5,000. Where do you give consideration to a matter of that kind? As I say, it is not important as a great policy matter, but it is vitally important to a lot of people. Where do you give consideration to a matter of that kind? Under what vote? It is a policy matter, is it not?

**Hon. Mr. Welch:** Yes, but it relates in a practical way to the court to which you have made reference, and I would assume that that would be under vote 1206.

**Mrs. Campbell:** I'm sorry, Mr. Chairman, in no way does it relate to the court. It relates to a custom or a practice of government. Perhaps I haven't explained it carefully enough. What happens is that if a child is awarded \$5,000 for a permanent disability, another ministry of this government harasses the mother, usually the mother, to apply to a court to remove \$4,000 of that award, under the threat of cutting that mother and her whole family off welfare.

Now the Attorney General has to be involved in this, because your predecessor stated he would increase that exemption to \$5,000. The Minister of Community and Social Services said, "No."

Who makes this policy? What is your involvement with this and under what vote do we discuss that government policy?

**Hon. Mr. Welch:** Rather than worrying about the vote, perhaps we should be sure that we are talking about the same matter. It seems to me that what I'm hearing is a policy with respect to support payments or benefits from the Ministry of Community and Social Services—

**Mrs. Campbell:** That is correct.

**Hon. Mr. Welch:** Related to some extent to the resources of the beneficiary.

**Mrs. Campbell:** Of a child of a family.

**Hon. Mr. Welch:** Whatever the case may be. So we have a policy with respect to income testing, or whatever the proper terminology should be, related to assets, which by virtue of the age of the beneficiary are on deposit with some official.

**Mrs. Campbell:** In the Supreme Court.

**Hon. Mr. Welch:** —who reports through this ministry. It seems to me that the policy implication which the hon. member wishes to discuss has implication with respect to the Ministry of Community and Social Services.

**Mrs. Campbell:** Of course it does.

**Mr. MacBeth:** What about the official guardian?

**Hon. Mr. Welch:** There is no question that the official guardian has some responsibility with respect to this matter, but all the official guardian is really doing is accounting with respect to some resources that are there. What I think the hon. member is making reference to is the fact that those resources are being taken into account in making some determination with respect to the benefits to go to the child.

**Mr. Carruthers:** That's more than \$1,000.

**Mrs. Campbell:** That is correct. But as I say, in the normal course I would be satisfied to leave it with that ministry, except that your predecessor said that in his opinion this ministry should take the position that the exemption should be \$5,000 instead of \$1,000. I want to know under what area this would

be considered? Is it under the official guardian?

**Hon. Mr. Welch:** It is sufficient to say at this stage that if the member is asking this minister to check into that particular matter, I would be very glad to do that rather than worrying about which particular vote it would come under. I must say I really haven't got the answer for the member as to whether there is anything this ministry can do to exempt moneys being held on deposit from the implications of the policy of that other ministry. I really don't know.

I think that is the basic question, isn't it? Whether or not there is something this minister can do to render it impossible for certain sums being held on deposit for the benefit of an infant child to be taken into account in determining benefit? I don't know that there is any power in this minister to do that. I would be very glad to check into this.

With respect to the vote, I would assume as the hon. member for York West mentioned, it would have something to do with the official guardian or with the public trustee. I would be glad to look into that.

**Mrs. Campbell:** Then if I may proceed, we have had a good deal of discussion about the matter of the policy position under Justice in the matter of competition. Where does the Attorney General fit into the picture? Has he taken any steps to discuss with the federal government officials the whole matter of the approach to such matters as evidence in rape cases—the type of evidence, the philosophy of the evidence? Is that something you are concerned about and that you have discussed with the federal government?

**Mr. Chairman:** I think we are straying off the path of the estimates.

**Mrs. Campbell:** I am talking under policy development and I want to know what the policy development is. I'm pursuing that matter. Would that be a policy development under this? Would it be under Justice or where would it be? Law reform?

**Hon. Mr. Welch:** Under the next vote, which is the Law Reform Commission, I would be reporting to you on the fact that the Law Reform Commission is addressing itself to the whole question of the law of evidence.

**Mrs. Campbell:** Fine; both criminal and civil?

**Hon. Mr. Welch:** I think they have no jurisdiction with respect to the criminal.

**Mrs. Campbell:** If they don't, what is your input and have you had any concern about it in connection with the federal government officials? Surely, if you are concerned in other overlapping matters you must be concerned about civil rights in this province.

**Hon. Mr. Welch:** As far as this minister is concerned that has not been the subject matter of any exchange with Ottawa during my term as Attorney General thus far.

**Mrs. Campbell:** I see, and you are not aware as to whether it has been in the past?

**Hon. Mr. Welch:** I would be very glad to look into that.

**Mrs. Campbell:** Thank you.

**Hon. Mr. Welch:** As far as I know it has not been.

**Mr. Chairman:** Item 3, vote 1201, is there any further discussion?

**Mr. J. A. Renwick (Riverdale):** Mr. Chairman.

**Mr. Chairman:** Mr. Renwick.

**Mr. Renwick:** I have really just two questions about policy development and if they have been answered when unavoidably I had to be absent I'll read about it.

I take it there has been no change in the status or position of the clerk attendant since I left the committee earlier?

**Hon. Mr. Welch:** I don't know at what point you left but we did decide that he was being paid for by the Attorney General.

**Mr. Renwick:** I left just shortly after that. There has been no change in the status since that time?

**Hon. Mr. Welch:** There has been no change since that time.

**Mr. Renwick:** I would like to advert to this question of what I consider to be, justifiably or otherwise, an attempt to reassert the constitutional responsibilities of the government in the Ministry of the Attorney General. Are there lawyers or is there a lawyer who is specifically charged with and knowledgeable about constitutional law matters?

**Hon. Mr. Welch:** Yes.

**Mr. Renwick:** Who is, in fact, a specialist in that area because obviously the federal government and the Ministry of Justice in

Ottawa have any number of people who are well versed?

Hon. Mr. Welch: The answer is yes.

Mr. Callaghan: There are a number of them really.

Mr. Renwick: I am sure there are but I am thinking more in terms of the specialization which is required in some of these fields when you are dealing with a jurisdiction as aggressive and competitive in the constitutional field as the federal government.

Mr. Callaghan: What we have been doing is co-ordinating all constitutional opinions of the government. I think in most cases I give the opinion. I give it on the advice of three or four lawyers such as Mr. Mundell who used to teach constitutional law; Mr. Gathercole who is a gold medallist in law; and a couple of other members of the ministry who have a great deal of practical experience in constitutional law. I have argued a few cases myself in that area; so between us we keep the constitutional law in that area and try to give consistent opinions to the government.

Mr. Renwick: Fine. Well, that answers that.

Hon. Mr. Welch: They would be very delighted to have read your earlier comments in connection with the statement on amendments to the Combines Investigation Act.

Mr. Renwick: Thank you.

Mr. Chairman: Any further discussion under item 3?

Mr. Renwick: Yes, I have a second matter. I am not speaking about any particular report, but when these reports come through from the Ontario Law Reform Commission—I know that's the next vote. I am not discussing the Law Reform Commission, but the reports that come through and a large number of reports do come in—what is the process for them to go to policy development under the policy development field for gestation and study and review before they may come forward ultimately in some kind of legislative process?

What I am really asking is will you trace for me the process from the day that the Law Reform Commission, having been requested by the Attorney General sometime before to study a particular field, delivers its report to the minister and the minister tables it in the House? What then happens in the way of the gestation of it, the development of it and the review of it, until ultimately

it emerges either in the form of legislation or in the form of administrative changes within the various branches of the ministry in the administration of justice?

Mr. Callaghan: What usually happens with a report is that it first is analysed to see the implications for our ministry or any other ministry involved. If another ministry is involved, the report is forwarded to them for their consideration. At the same time, the recommendations of the report are broken down in groups, because I think you will find in most of these reports the recommendations come out in various groups.

Any interested or affected groups in our ministry are referred those recommendations for their comments. The recommendations are sometimes distributed rather widely around the various people in the ministry for their views of them. Those views are collated back in the policy division. There are a number of discussions on the implications of them. At the same time, we try to obtain the input from an affected ministry, if there is one.

We then try to develop a briefing paper for the minister and then the matter is discussed and reviewed with the minister. At that stage, if it has implications for other ministries in our field or other ministries in the government, submissions are prepared for the policy field's consideration, a brief is forwarded to them and then goes into the government stream as the minister described earlier.

A lot depends on the nature of the recommendations. For instance, if you take reports on, say, the solicitors, the one that is presently there, that report will have to be distributed amongst the various people in the profession who would be affected by it—and I think there would be lots interested in the recommendations — to try to obtain their input and to the various bar associations. The idea is to try to get a practical consideration of the recommendations to see if there are some changes that should be made from the point of view of practical implications. We try to bring that all together in this area, in this particular policy development division, and then put those matters before the government for its consideration.

Sometimes the Law Reform Commission recommends in areas that really we have no direct control over or interest in. In those cases, the report is forwarded to the interested ministry for them to do this because we wouldn't have the actual expertise in the

ministry available to us actually to assess the recommendations. That is basically the way it is handled.

**Mr. Renwick:** For example, in these studies on the family law in the province is there a reference made to the provincial judges who are in that field for their comments about these questions of family property law or reference made to the superior court judges for any comments that they would have?

**Mr. Callaghan:** Yes, the courts administration project.

**Mr. Renwick:** Forgetting the courts administration project, I am sure they will—

**Mr. Callaghan:** There will be.

**Mr. Renwick:** I mean is that part of the normal procedure to refer to the judges for their at least informal submissions or comments to the ministry that they may wish to make?

**Mr. Callaghan:** Well, that's true. In the family law report we printed 1,000 copies of recommendations for distribution to various people—anybody who is interested in that particular one—and of course anybody on the family court, those practising family law, we would hope they would—

**Mr. Renwick:** What sort of response do you get outside the ministry and outside of the government? Do you get it by letter? Do you get a reasonable response from, say, the profession or other interested people to assist you in their—

**Mr. Callaghan:** We get a lot of advice in speeches. We don't get a lot—

**Mr. Renwick:** You don't get a great deal of correspondence or written material?

**Mr. Callaghan:** Those who usually have a vested interest of some sort will take time to prepare a brief and forward it. Sometimes the public reaction, the reaction we really like to get, is hard to obtain.

**Mr. Renwick:** And what you have just described would be sort of the normal—it is a pattern that you have developed over a period of time dealing with these particular reports as they come in?

**Mr. Callaghan:** That is the general pattern we follow. We like to think we are flexible on it with regard to the nature of the recommendations that we can accommodate, what

we do with these recommendations and the groups involved.

**Mr. Renwick:** But there is a certain ritual to it, that persons to whom you circulate this information within the ministry have an obligation to study it and get their comments back to you—so you don't fool around with it.

One other area which is of great interest to me is: Is there any sort of policy development in the field of the administration or the procedures or new thinking about the whole question of small claims? Any experiments being contemplated or—

**Mr. Callaghan:** Well, of course, we have the Law Reform Commission's recommendations of the small claims courts, and we think that those recommendations are very helpful and useful. We think that there are many other approaches available to small claims courts. I guess when we get into vote 1206 we will be discussing the recommendation on administration of courts.

**Hon. Mr. Welch:** And there have been some amalgamations.

**Mr. Callaghan:** That's right and it may well be that where do you start on your court reorganization, your court reform. It depends whether you start at that level or at the top. You have got two ends of the tiered system and at the bottom end you have the small claims court, which is one area that will require really some reforms. I think the minister has said that and we recognize it.

It is pretty hard to answer your question, other than we are thinking about it and we do have ideas on the answers—lots of them. Maybe they should be run at night, maybe they should be—

**Mr. Renwick:** I can't claim to have read all of those reports that have been dropped on us recently. In the small claims field—and I don't think from my cursory glance at it that there was any suggestion of this, and without ousting the right of the citizen to appear in person and make his claim in the dispute and have it adjudicated in the traditional pattern for which there are obviously immense improvements which have been referred to in those reports.

As an alternate to that, I think it would be wise to give consideration to providing an alternate method by way of written submission to deal with small claims—in other words, so that the person doesn't necessarily have to get involved in adjudication proceed-

ing. Persons with particular titles, whatever they would be called, would simply be authorized to receive a written complaint and to refer the complaint to the person involved and get a response to that, and if the two parties agreed, to deal with it on the basis of the written submissions that are made. It works reasonably well in the Law Society of Upper Canada, having been favoured with one of those complaint letters recently in my practice.

**Mr. Callaghan:** Well, there are various alternatives.

**Mr. Renwick:** There has to be a first.

**Mr. Callaghan:** There are various alternatives available to a small claims court which will require consideration of the government for means of handling it. For very small claims, such as I buy a teapot with a two-year warranty and it breaks in one year, there have been suggestions and proposals made in the States that that kind of thing should be resolved by a tribunal board. It would just handle the problem and nobody has to appear.

In Quebec, they have changed their small claims court considerably. You can't go with a lawyer. That has created quite a problem, of course, with the bar in Quebec. There are all sorts of these alternatives. Maybe in Ontario one of the possibilities is integrating the small claims court with the provincial court and having a civil division of it. These are things that have to be considered.

**Mr. Renwick:** Have you got any experiment you are planning in one of the small claims courts or one of the areas similar to this traffic offence problem?

**Mr. Callaghan:** No, we haven't got one this year. We hope to have one after we get a few other problems solved. We have many problems and it is a question of which ones come up first.

**Mr. Renwick:** I realize that. I just wanted to lend my small voice to the fact I happen to think that should be given top priority. It has been a continuing mess for a long time.

I mentioned to one of your predecessors that I had seen a piece in the New York Times which said one of the universities in California, not the University of California or one of its campuses, but one of the other universities, had raised, both by way of foundations and from—who is Perry Mason? The old fellow, on the old television show?

**Hon. Mr. Welch:** Raymond Burr?

**Mr. Renwick:** Burr had contributed \$150,000 to this and they had established at this particular university—unfortunately, the name escapes me—a model court. It was not model in the sense of ideal but model in the sense of experimental, using all kinds of different techniques for experimentation purposes about whether or not they can improve their court processes. I had suggested that—

**Mr. Callaghan:** We have had people look at that court.

**Mr. Renwick:** That's fine.

**Mr. Callaghan:** That's the circular court with computers. The jury sits in a circle and they have the computer in front of them.

**Mr. Renwick:** I read this short article and I gathered that it was in the nature of an experiment to try to see whether something could be done to improve the court atmosphere.

**Hon. Mr. Welch:** It should be investigated personally.

**Mr. Renwick:** I would love to go.

**Mr. Chairman:** We are running into overtime now, ladies and gentlemen.

**Mr. Renwick:** I don't want to burden the committee with that but if anybody would care to send me a copy of any thoughts or ideas on it some time I would be very interested.

**Mr. Callaghan:** There was an article in the publication called 'Judicature' last year on it; we could find a copy.

**Mr. Renwick:** Are there some worthwhile things that have come out of it?

**Mr. Callaghan:** Yes, there are some very interesting things.

**Mr. Renwick:** Is that right?

**Mr. Callaghan:** Yes, the article is descriptive. I think that should be interesting to you.

**Mr. Renwick:** If it is convenient, I would like to see it.

**Mr. Chairman:** Before we adjourn, on item 3, vote 1201, are we all in favour of that one?

We resume tomorrow after the question period, at 11 o'clock, I presume, on item 4, vote 1201.

Thank you very much.

The committee adjourned at 6:05 o'clock, p.m.

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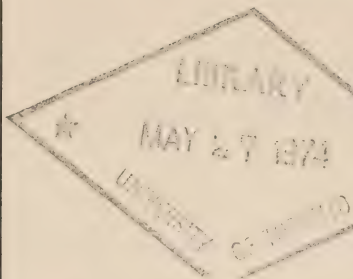
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Ontario

Ontario. Legislative Assembly

# Legislature of Ontario Debates

## ESTIMATES, MINISTRY OF THE ATTORNEY GENERAL

Standing Administration of Justice

Committee

Chairman: Mr. J. A. Taylor

OFFICIAL REPORT — DAILY EDITION

Fourth Session of the Twenty-Ninth Legislature

Friday, April 19, 1974

Speaker: Honourable Allan Edward Reuter

Clerk: Roderick Lewis, QC

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# LEGISLATIVE ASSEMBLY OF ONTARIO

FRIDAY, APRIL 19, 1974

The committee met at 11:25 o'clock, a.m.

## ESTIMATES, MINISTRY OF THE ATTORNEY GENERAL (continued)

On vote 1201:

Mr. Chairman: We are dealing with item 4. Do you wish to proceed, Mrs. Campbell or Mr. Lawlor?

Mrs. Campbell.

Mrs. M. Campbell (St. George): Mr. Chairman, if I might suggest it, I would like to deal first and foremost with the report on family property law. I would hope that perhaps there could be a discussion of that before I have to deal with all the other reports.

Mr. Chairman: Very well.

Mrs. Campbell: Is that all right?

Mr. Chairman: Certainly.

Mrs. Campbell: Well—

Mr. P. D. Lawlor (Lakeshore): Except, Mr. Chairman—I am sorry—

Mrs. Campbell: You should be.

Mr. Lawlor: —having let you go on. Coming out like—what is it?—marsh grass or primroses in the spring. I do give my perennial run-over of the work of the Reform Law Reform Commission—

Mrs. Campbell: That's fine.

Mr. Lawlor: —assessing what it has done and what it proposes to do and making snide remarks, I trust, in the process as to the various deficiencies and failures. Once in a while a golden fish is dangled in the air. When I say "Delightful gentlemen, you have done a good job." To begin with—

Mr. Chairman: Possibly we could omit that procedure this year?

Mrs. Campbell: I yield to my friend if he wants to make that—

Mr. Lawlor: I think it would be quite a shame. I think there would be lacunae which would never be filled.

Mr. Chairman: I surmise, Mrs. Campbell, that Mr. Lawlor wishes to make some very general comments.

Mr. Lawlor: And then we will launch into the individual items.

Mr. Chairman: The floor is yours, Mr. Lawlor.

Mr. Lawlor: Thank you very much, Mr. Chairman and Mrs. Campbell. That's very nice of you, now that I have recollected my role and function in this joint.

The Law Reform Commission during the year has completed seven monumental studies. In its last report submitted to us—the last I've got, anyhow, the sixth annual report—most of these projects were still at the work in progress stage. For instance, they had completed part I of the studies which will be the major gravamen of these estimates—we will get to them. There is also the part II report on the provincial court, criminal division, and the office of the Crown attorney, and the numerous and diverse functions and powers of the courts in part III which we received, I believe, in December last year. In one way or another, this will be brought up, perhaps just with respect to more salient points because it covers the waterfront with respect to things like court reporting and special examiners' offices and pretty well the works as to the operation of the courts.

The report relating to the sale of goods has been kicking around for an awfully long time. One can excuse the Law Reform Commission up to a point on the—I won't say procrastination in this context—on the basis of the munificent work it has done with respect to the courts. That has taken two solid years of almost exclusive time and one appreciates that type of concentration and detailed analysis. The commission's reports on the courts are done, as the members themselves say in some foreword, not with an overall or encompassing view — which was done in the McRuer commission reports

basically — but in terms of nitty-gritty; in terms of really getting into the inside and getting a feeling of the operation of the courts rather than an external review of functions, jurisdictions, powers, appointments and all the external paraphernalia of the courts which was the work that was previously done.

On the sale of goods situation, except for consumer warranties and guarantees — on which we have a green paper, upon which we have had numerous studies and upon which, I trust, we will shortly have legislation because the matter has been practically thrashed to death—it does disappoint me that Prof. Ziegel, working out of Osgoode Hall, feels that it's going to take two or three years really to get into the sale of goods situation apart from warranties. Why that should be so when I would think that a far more intricate difficult and demanding task would be to review and reorganize the courts, I can't imagine.

As far as the projects initiated by the commission itself are concerned they completed the non-possessory repairmen's lien. I feel a little disappointed in the minister and in the ministry and overwhelmingly disappointed in the deputy minister that he hasn't generated a little legislation on that score. It's on your lap. It has been sitting there. It is available. It is not difficult. It's a few paragraphs in some piece of legislation. What's the holdup? Are you dragging your feet in this particular area? Have you got real reservations about the proposals being made? Is it a little like powers of attorney?

And by the way incidentally, would you make a little note of what's happened there? The former Attorney General (Mr. Bales) stumbled and got a bloody nose out of his too great acceptance of what is proposed by the Law Reform Commission—taking it too superficially; taking it too much at face value. The profession then moved in and said, "Oh, you can't abolish powers of attorney. Look at the disruptions you are causing."

Now, I think the basic recommendations are fairly sound in that situation. I am well aware of the twists and difficulties that were envisaged, and I am sure all members of the opposition party got letters from legal firms which very well explains the fact that it was let die on the order paper never to be touched again.

On this particular head it hangs in limbo, too. What are your plans with respect to that? Are you going to bring forward amending legislation? Are they to cease at death,

or are they not to cease at death? What is the thinking of your department in that particular area?

Now in the report of the Law Reform Commission—projects in process, the family law project—they do mention that the report on property subjects was submitted and we abide and wait for the termination at this stage of the rest of the work. It's not complete on the family project. There are still support obligations to come forward, as I understand it; an analysis of that, and then the work will be finally and substantially done.

And in paragraph 19 of page 9 of the report they mention the family courts as nearing completion—as we know, it is now in our hands. A report on children has been submitted also at the same time.

I can't help but pause at this stage and again give them very great credit, indeed, for the thrust and force and intelligence and drive that this commission has shown with respect to getting this report into our hands and clearing the ground and giving us grist upon which to chew.

The law property project in the business of leaseholds, particularly in commercial-industrial leases, seems to be hanging in abeyance and lagging considerably. I would have thought that the commission by this time might very well have brought forward a standard lease with respect to residential premises. We have long anticipated it. Bills have been moved in the House privately outlining—

**Mr. V. M. Singer (Downsview):** After careful consideration, Mr. Wishart put through the new Landlord and Tenant Act and promised a uniform lease.

**Mr. Lawlor:** That is precisely the comments—

**Mr. Singer:** Since 1967 it has been very carefully considered.

**Mr. Lawlor:** Well, he said you didn't have to stay up late at night as members of the opposition interested in legal matters. He said "We will forego and we will alleviate you. You can go to bed at 2 o'clock in the morning." But I think that was a mistake. The member for Downsview should have stayed up until 3 and drafted that particular piece of standard legislation, which is really so necessary in the province at this time.

The work on the law of trust apparently is going forward.

**Mr. Singer:** It was on his assurance that I withdrew an amendment at that point, and I phrased the amendment that is there by a standard form of lease in accordance with the schedule that was to be produced by the Attorney General's ministry.

**Mr. Lawlor:** Well, it's like the winds of the desert, my friend. Ministers come and ministers go, and you and I go on forever. There we are.

In the law of evidence, I want again to thank the previous minister. I am sure this minister is just as open-handed, as I indicated yesterday. A whole host of opinions and reports are coming from Prof. Mewett and others on concessions, on competency, on compatibility, upon all aspects of evidence have been prepared and submitted to your commission. I asked last year that they be supplied to me. They arrived in a ductile box and there they have reposed ever since—

**Hon. R. Welch** (Provincial Secretary for Justice and Attorney General): With that great seal on it?

**Mr. Lawlor:** —gently unread, but very much appreciated, let me tell you. There will be a time, when we come to it, when we finally get the reports and one will be highly prepared at that stage. And I thank the department for that. I mean it does show that not every damn thing is secret and that with taxpayers' money being spent on law schools, etc., there should be justice available to us. There may be reports here that I still lack, and which I may make overtures to you about in the very near future.

I think we'll discuss the Solicitors Act this morning, up to a point at least. Isn't it funny how dry as bones this stuff appears from the outside, but once you start delving into it and reading it, it takes fire, it takes life and is enormously interesting? Even the revision of the Solicitors Act I find to be an incandescent subject. I'd rather look into the eye of the basilisk most of the time and find the hidden gems, but in this particular thing, when I was going through that the other night I just couldn't believe it. I would have been much more prepared to read a little of Lewis Mumford or Carl Hume or something, but no, we'll stick with the Solicitors Act, and I was rewarded. I want you to know that.

On the compensation for motor vehicle accidents, the report is fine. I made my remarks directed to that report at the initia-

tion of the secretariat's estimates, where I showed in what areas I had severe reservations, and expressed my hope for the advancement of human intellect and an overall emolument in the area of making this thing public, which I didn't despair of in the least. I think, along with Teilhard De Chardin, that there is an evolving consciousness going on in the human race, ineluctably. We can't stop it, we may sit on it, and the Conservative Party may do its best to repress it, but it nevertheless mounts and spumes. It is almost fountain-like in its vigour, and sometimes it even hits Singer.

Looking at things that way we don't despair; we don't lose hope. We don't think we're talking only to ourselves, we don't think we're talking down hollow drums and hearing the re-echoing of our own voices, however pleasant that may be. We think that the world's moving ahead, damn it! It's moved an inch with this report and it'll move a foot if it does what I want them to do.

I would ask to join hands with the minister, and hand in hand we would walk down Piccadilly—or down University Avenue—with a white and yellow lily in our mediaeval hands, saying that we rejoice that the government, like Hydro, like the Workmen's Compensation Board, like a hundred other things, has finally fallen victim to contemporary civilization.

I know the price is hard in terms of repressions, in terms of erotic instincts being put under the ban, but there's joy at the end of the road. I'm talking in terms of Marcuse. There now, I've reached the end of my little diatribe for this year.

**Hon. Mr. Welch:** I think you've read Mumford enough.

**Mr. Lawlor:** Thank you very much for your indulgence. You are very gracious this morning for a change.

**Mr. Chairman:** Thank you very much, Mr. Lawlor, we appreciate that contribution.

Mrs. Campbell, you wanted to make some comments?

**Mrs. Campbell:** I don't know whether Mr. Singer wishes to make any opening remarks. I will yield to that.

**Mr. Chairman:** Mr. Singer?

**Mr. Singer:** Well, Mr. Chairman, the portion of the estimates dealing with the Law Reform Commission, I think, buttresses the argument we were making yesterday that it

seems more than a little foolish to have something called a Provincial Secretariat for Justice when the Attorney General's department has enough on its plate in study and research and reports. If the department was functioning as I would see it functioning, you really wouldn't have time to have another policy body studying these things.

Just in this year there are seven reports. I carried them around for about five days and got a little weary. They're sitting up on my desk. I must admit I haven't had time to read them all. I've glanced through them and have read the recommendations. What I would like to see somewhere along the line, and somewhere very soon and not from the Provincial Secretariat for Justice but from the Attorney General, is an indication as to where he thinks the government should be going. If in a particular field he doesn't believe that these recommendations are satisfactory, then let him say so and let him say why he doesn't. If in a particular field he believes the recommendations are satisfactory, then let him give us a draft bill. Let him give us a bill which perhaps will sit on the order paper for a year and enliven discussion. This is how we're going to bring it about.

It gets more and more ludicrous, to my opinion, when we get stacks or reports that run about 4 ft high now that just sit there. The Law Reform Commission labours mightily and turns out these multi-volumes and thousands of pages of reports and nothing ever seems to happen to them.

Take the three volumes on family law, for instance. We did have a scheme a while back. It occurs to me that it was the Law Reform Commission that came out with some kind of a system dealing with equity between spouses, either on death or the breakup of the marriage, but the formula that they evolved at that time was so complicated and so technical that it appeared quite logical that it not be acted upon.

Now we've got one that is slightly less complicated but still far, far too complicated. If one tries to follow one's way through the various pluses and minuses and the kind of bookkeeping that spouses would be expected to do, one must recognize almost immediately that any person who comes to a lawyer to have either a premarital agreement made up or to have a will made up, is going to have to expect many, many hours of interviews in order to ascertain all of the ifs, ands and buts and all of the possibilities and probabilities

and the figuring out of all the permutations and combinations.

When you get a process of law complicated, if by any chance anyone attempted to enact into legislation that kind of formula in that long series of recommendations in the middle volume, volume 4, what we would in fact be doing is providing protection for those very few members of the Ontario community who are going to be able to pay a highly trained lawyer on this very technical aspect very substantial sums of money so that the interspousal relationship can be protected.

I think the exercise is a foolish one, I think the suggestion that it be put forward in the way the Ontario Law Reform Commission has put it forward is something less than well thought out. We have seen the western cases that—what is the name of the case?

Mrs. Campbell: Murdoch.

Mr. Singer: The Murdoch case particularly where, in my opinion at least, the Supreme Court of Canada interpreted the law as it now is and I don't fault the Supreme Court of Canada for coming to that decision. But surely it sounds a warning bell to the people in Ontario that we should change the law. I don't know that I have an immediate solution for a change of the law, but somewhere along the line at least let us give some judicial discretion which can take these matters into consideration and write into the law, as we attempted to do in the—what is the Act?—the one where you can go after a will if you haven't provided for—

Mrs. Campbell: Oh, the Dependant's Relief Act.

Mr. Singer: Yes, as we've done in the Dependants' Relief Act—allow some judicial discretion not only to dependants but to people who feel they are aggrieved, as in this recent Supreme Court of Canada case and see on the basis of the presentation of the kind of evidence that was before the court in that case, whether a proper exercise of judicial discretion couldn't solve the problem.

I don't know if the Law Reform Commission is attempting to encourage premarital agreements, and I don't know really that it should be the function of the law-makers to throw more legal barriers in the face of the citizens of the community they are trying to serve in order that what appear to be basic rights should in fact be protected.

**Hon. Mr. Welch:** Of course, what you are saying is that if those recommendations were to be implemented, unless you otherwise agree, certain things would follow, so therefore if people want to avoid it they are going to have to enter into agreements.

**Mr. Singer:** Well, this is true, but unless you've got it awfully simple—

**Hon. Mr. Welch:** Well, I'm not going into the merits of it, but I am simply saying that you are quite right from the standpoint of what people have to do to avoid certain things happening if in fact they don't want them to happen.

**Mr. Singer:** Yes. And the continuance of dower and of curtesy—ludicrous things. I don't know if any of the lawyers here have had to make an application to court to pay in money in lieu of dower.

**Mrs. Campbell:** Yes.

**Mr. Singer:** It is ridiculous. There is an Act called Lord Campbell's Act that established a formula in 1890 as to how you calculate dower. You go and you do a wonderful mathematical calculation and the reluctant wife, who has refused to sign the deed and debar her dower, gets paid into court a sum that was calculated on the basis of statistics and interest rates in 1890, the interest of which is supposed to look after her in the event that her inchoate right becomes an actual right.

**Mr. Lawlor:** Eight hundred and twenty-two dollars.

**Mr. Singer:** Yes, and 33 cents. That is the way it works. Now, in 1974 does that make any sense to us any more? It can't.

I think you have as many reports as you are ever going to get, and if you are going to hire more and more writing professors, then they are going to write. You will pay them and they will write. They will produce another several thousand pages of opinions and research for you. But how much more do you want before we get some kind of an opinion from the law officers of the Crown or from the Attorney General? Why can't the Attorney General get up some day and say, "All right, today we are going to deal with family law. It is my opinion as Attorney General that the courts should do such and such and such and such and here is a bill. Now, I recognize it is controversial. Let's throw that bill out and let's let it sit on the order paper for a year and in a year's time we will pass some kind of legislation. "Well

that's the family law one. Let me deal with the insurance one.

**Mr. J. A. Renwick (Riverdale):** May I speak just for a moment on that?

**Mr. Singer:** Yes.

**Mr. Renwick:** Simply to tie it in, I would commend, if I may, to the minister and to his advisers, the address which I made in the House recently in the Throne debate about the question of the family property law report, volume—

**Mrs. Campbell:** Four.

**Mr. Renwick:** —four, and if I can extract a commitment from the minister and his senior advisers that they will read my speech, I can certainly shorten my remarks this morning considerably.

**Hon. Mr. Welch:** I would agree to do that but not for the reason that you give me. You might like to highlight it and I think this might be a good time to do so.

**Mr. Renwick:** Well, what has struck me recently in the reports of the Law Reform Commission, and I want to use this one as a specific example, is that we are getting intertwined in the reports in immense amounts of rhetoric. And when one reads the rhetoric, one feels that the substantive recommendations would flow from the rhetoric, but if one is not exhausted at the point in time when you have read the rhetoric and you read the rest of the report you usually find that it falls very far short of what the rhetoric says.

I am not speaking only of the Ontario Law Reform Commission. The federal Law Reform Commission is also engaged in that kind of rhetorical operation. If one reads the family court report of the federal law commission it is just replete with rhetoric, but the substantive conclusions don't follow from the rhetoric, which is used to presumably attract attention of people. And it is very much the same rhetoric we have heard throughout our careers in the legal profession, about what is wrong with the courts and nothing is ever quite done to change it and we substitute these words for action. We are all guilty of it. We all, in the assembly, like to substitute words for action and go home and feel that we have really had a busy week.

**Mr. Lawlor:** Speak for yourself.

**Mr. Renwick:** Well, I always do speak for myself but I generally universalize. It

reminds me that when Churchill was relieved of his responsibilities after the collapse of the Dardanelles campaign, Asquith, the then Prime Minister of Britain, was asked what Churchill was doing. He said, "He is engaged in writing his autobiography, disguised as a history of the universe."

But specifically in the family property law report, if one reads the report one would have assumed that when the key phrase on which they hang all their recommendations is something called economic partnership, that the net result of the recommendations would be to carry through the thrust of that analogy for the purpose of the married relationship with respect to property. But, of course, all that you find at the end of it is that the only aspect of the partnership law in which they are concerned is at the point of dissolution of the partnership, and the only analogy they make to partnership law for practical purposes is the disposition at the end, and even then they don't provide a property right. All they provide is a claim in debt against the marital partner who owes the balancing value. Yet throughout the report, they specifically state that the economic property relationships have a significant, if not a dominant effect, upon the marital relationship in its social aspects.

I am not going to bother quoting the report in detail, because you only have to read the first 34 pages and then from about page 100 to 125 to get the thrust of the various statements which they make in this rhetorical sense. The rest of the report never carries through the substance of their recommendations.

I don't know whether they become timid at a certain point in time, but I have got a double-barrelled plea. I think that when you are giving consideration to that report, I'd like very much if you would turn your thinking around. Rather than end up with this pallid form of saying that that these will be the results in the absence of agreement between the parties which will, in my view, only stimulate the entrance into marriage contract of one kind or another with respect to property—with which I think everybody would agree—at least analyse and try to analogize the family property relationship between married persons on the partnership basis. Make that the law during the currency of the marriage, as well as on dissolution, as partnership functions, that is, joint decision-making authority, joint responsibility with respect to the use and allocation of the funds, that kind of decision on a joint basis. Then provide that if you are going to opt

out of that arrangement, that the parties be required, very much analogizing to the kind of independent advice which, in theory, a wife is supposed to obtain before she can be bound on a joint and several obligation with her husband—

**Mr. Singer:** It involves trotting down the corridors to another lawyer and saying, "This is the agreement I have and tell her it is all right."

**Mr. Renwick:** That's the situation where you should have to go to court and say, "All right, if you want to contract out of the relationship which the law provides, then you must go to a judge and the decision will be made whether or not every consideration has been given to the entrance into a marriage contract which will eliminate the consequences which would otherwise flow from the law."

I think it's extremely important that the rhetoric of the Law Reform Commission, with which in substance I tend to agree, should be followed through in your consideration of that report. I think it is possible to devise a system where the economic partnership exists, not only for purposes of dissolution but can exist during the course of the marriage, and that decisions can be made and you can opt out of that joint system by a reference to a judge to make certain that both parties fully understand if they opt for a different system. The present method recommended by the commission is exactly the other way that certain consequences flow but you can enter into a marriage contract, and I think the result will simply be to proliferate the marriage contracts.

**Mr. Lawlor:** You wouldn't permit ante-nuptial agreements taking you out of that joint partnership? You wouldn't agree to that? You would say that the partnership concept ought mandatorily to rule from the time of the marriage?

**Mr. Renwick:** If the basic proposition of the Law Reform Commission is correct, that the economic basis of the marriage relationship will determine in a large degree the social consequences or the social responsibilities of married persons, then I would say, yes, you don't have ante-marriage contracts, ante-nuptial or otherwise with respect to the married property, unless you go before the court and get an exemption from what you agree to be the public policy with respect to the marriage relationship.

**Mr. Lawlor:** I want to go on public record this morning as agreeing with you.

**Mr. Renwick:** Well, thank you very much. You usually agree with me only in private. We haven't resolved the impasse of yesterday.

**Mr. Chairman:** You are heading in that direction.

**Mr. Renwick:** We've agreed to have dinner together. That's all.

All right. I don't want to go on at great length because I tried to express the same thrust in the Throne Speech debate, but I just had a feeling that perhaps it might get lost sight of at some point and nobody would ever read it or hear about it.

The second aspect that I want to emphasize about the Law Reform Commission and its reports is that I think that for the purposes to be served by the reports, somebody should suggest to them that they drop a bit of the rhetoric and come up with reports that have their recommendations and the rationale and reasons for the recommendations. They should not feel that they have to engage in some kind of oratorical persuasive operation in order to sell their reports. That is not what they are there for. They are there to analyse the problems, to make the recommendations and to give the rationale for them in a rational way and not feel that they have got to engage in an emotional appeal to the reader, which wastes a lot of paper and a lot of time and the results never flow from the rhetoric.

I think everyone is interested in the fact that there is now a spate of letters in the newspaper, originating, I think, from a remark by Allan Linden—I don't want to do him an injustice—that the Law Reform Commission is made up of nothing but academics. I certainly think that Mr. Gray, Mr. Poole and Mr. Bell might object to being designated as academics.

**Mr. Singer:** James Chalmers might object.

**Mr. Renwick:** James Chalmers might object, too. The only legitimate academic on the commission, as far as I know, is Allan Leal.

But I think each of you has seen the spate of letters indicating that somehow or other you can denigrate the motor vehicle accident compensation report by saying it's the work of academics. Well, it isn't the work of academics. The background work in a sense may be the work of academics, but to say that members of the commission have had no experience with the tort system of the

settlement of negligence claims in automobile accidents is of course just ridiculous.

**Mr. Singer:** Those letters came from gentlemen who I would suspect are very young practitioners who aren't familiar with any of those gentlemen.

**Mr. Renwick:** Well, the remark about the academics had its origin in a comment by Allan Linden or by some person at the same time as that discussion was made. It couldn't have been by Allan Linden. I'm not going to encroach on the remarks of the member for Downsview about that report, but I did want to say those few things about this and to protect the reputation of the Law Reform Commission against this scurrilous attack of being academics.

**Mr. Chairman:** Thank you, Mr. Renwick.

**Mr. Singer:** What bothers me, Mr. Chairman, if I can pick up again—and Mr. Renwick got reasonably close to it—is that I just don't believe that this forum for discussion of the estimates of the Attorney General is the time or the place where we can possibly say that recommendation No. 74 of the Law Reform Commission is a good one but No. 73 should never be adopted at all.

What we need is a forum. We've got those reports; be they good or bad, whether or not we like them, they are reports asked for by this government. They have been produced. They have sat around for a while. Surely the time has come, within the machinery of government, for the government to say that we believe we should go in such and such a direction. And either in a key speech or in a draft statute, you should give us something we can put our teeth into. You should say that this is the government's view, and then let the discussion go on, otherwise, we are just talking in the air.

We could go on, under this first subhead of the estimates, for days or weeks if we wanted to spell out each one. But there is no point in it. We are just having a fine academic discussion, which some of us might enjoy, but we are not getting any business of the province done. And this is what bothers me. When do we begin to get some definitive decision, or some lead from those people who are charged with the responsibility of leading?

Well, let me go into two other reports; the reports on the reformation of the courts. Out of those recommendations a storm of substantial proportion has blown up as to where the administration of the courts should be controlled. Some people have become very violent about it. Some members of the bench

are quite angry about it. The treasurer of the Law Society is very unhappy about it. Your predecessor saw fit to take them on, and not to retreat an inch. Your approach has been somewhat different and you used a wonderful phrase: "Let those who are objecting show cause as to why they are objecting, and if the cause is a valid one I will listen."

**Mr. Lawlor:** Sounds almost legal.

**Mr. Renwick:** Sounds like the small claims court.

**Hon. Mr. Welch:** That's where I learned the phrase.

**Mr. Singer:** And as I read the press and I—

Interjections by hon. members.

**Mr. Singer:** As I read the press and there is this magnificent picture of the Attorney General and—

**Mr. Renwick:** Couldn't we have that blown up and substitute it?

Interjections by hon. members.

**Mr. Singer:** Certainly if there is anything that oozes out of the picture it's sincerity and dedication.

**Hon. Mr. Welch:** I would hope so.

**Mr. Renwick:** Circumlocution.

**Mr. Singer:** Yes.

**Hon. Mr. Welch:** On behalf of my mother, I thank you.

**Mr. Singer:** He is about to embark on a tour where he is going to interview all sorts of people, even judges—

**Hon. Mr. Welch:** As soon as I finish these estimates.

**Mr. Singer:** Yes, and he's going to embark on a tour. I don't know whether he's going to borrow Mr. Bennett's camper and take that around, or whether he's going to travel in a little more elaborate manner. He's going to sort of pick up the grass roots feelings, then theoretically he's going to come back and maybe in the fall, or maybe in 1975, he will have determined whether or not anybody has shown him cause as to whether or not he should follow the opinion of his predecessor.

I think you should have an opinion. Whether I agree with the opinion or not, at least enunciate it and bring it forward and

say, "Okay, on such and such a date we plan to do so and so; and we'll put it on for debate and then scream and yell at the appropriate forum" and let's resolve it. But to keep it dangling I think is unfair. That's one of the recommendations in the reform reports. There are many many others, and I could single them out, and I could discuss the pros and cons on them.

They made the wonderful discovery, for instance, that the court facilities at the old city hall are ludicrous and should be destroyed immediately. I don't know when that was first said. I suppose it was first said when they opened up the new city hall.

**Mrs. Campbell:** Oh, before that.

**Mr. Singer:** Yes. And that building was ludicrous, and it was old, and it was dirty, and on and on and on. And I see it as a very important recommendation. Are you going to build a new courthouse for the city of Toronto to house those courts, or are you going to do something? Are you going to let grand juries and legislators and law reform commissions study the building and say it is old and tired and broken down, and that's the way it is?

Somewhere along the line, too, if you want to engage in the forum of public discussion I think the time has come where those people in the Legislature, on all sides of the House, who are concerned about these matters, be given an opportunity to talk in a room with the other people who are concerned. To talk in a room with the Crown attorneys; to talk in a room with the judiciary; to talk in a room with the members of the bar who are affected; to talk in a room with the members of the public who are affected.

Because what happens—and we all know what happens. There are the whisperings in the ears of various individuals who might or might not have some influence, and might or might not be sympathetic to these whisperings. And the whole thing never gets hashed in public, never gets hashed in a forum, never gets discussed in a forum where we are able to bring together all the kinds of opinions that are important to the kind of decisions that we're talking about in connection with the reformation of the system of the courts.

Now, I don't think—I would be surprised—I don't think that you're going to achieve very much other than enjoying a fine dinner when you go to the county seat of the county of Perth. And the local bar is going to be delighted to see you, and the county court

judge will come—if they've got two, a couple of them will come—and all the leaders of the bar will come. You'll have a nice dinner and a pleasant evening of discussion and lots of refreshment and everyone will say, "Isn't that great?" and there may be a local person who comes forward and there might be a reporter or—

**Hon. Mr. Welch:** Where's the committee?

Interjection by an hon. member.

**Mr. Singer:** There might be a reporter who's there to take down certain notes, or to receive a press release, and say that the Attorney General was in Perth finding out if anyone can show cause and—great. I have very little faith in that system producing anything of real value that's going to lead us in the direction I hope we're going to be led in. I come back again to those three important volumes. There is a great number of very serious recommendations which have substantial ramifications.

I think, again, now the reports are on the Attorney General's desk and they're there for his consideration, he should in some way, either by statute, or by a statement which can be debated, say what he thinks the government policy is and in which direction it is going to move. Then let's get to discuss it at the legislative level because so many of these things, really, are not talked about in a partisan way and they don't have to be talked about in a partisan way.

The lawyers in my party and the lawyers in the NDP are interested in producing the best system of justice that we can for the people of Ontario.

**Hon. Mr. Welch:** I accept that.

**Mr. Singer:** I think we've got to get down to real discussions and not continue this arm's-length dealing. I hope the Attorney General is going to come to grips seriously with this kind of problem.

Let me talk for a moment—I talked about it at some length in my speech in the Throne Speech Debate—about automobile insurance. The stack of reports on automobile insurance which I have in my office runs about 6 ft high. In the last three months, for some reason I haven't quite been able to figure out, the recommendation of the IBC—the Insurance Bureau of Canada—seems to have mounted great momentum. It started off with great momentum. In fact, I got, surreptitiously, a draft statute embodying the IBC proposals which, to my unpractised eye, appeared to have been drafted by someone

who knew quite a bit about legislative drafting. The commencement date is—

**Mr. Lawlor:** Did they send this to you?

**Mr. Singer:** Pardon?

**Mr. Lawlor:** Did they send this to you?

**Mr. Singer:** No, it was slipped to me under the table on the understanding "Don't tell anybody where you got it."

**Mr. Lawlor:** We phoned them and they refused to give anything to us in the New Democratic Party. We're "agin" them.

**Mr. Singer:** They weren't sure whether or not I was "agin" them but I did get slipped to me, in a plain, unmarked, brown envelope, a copy of the draft statutes.

**Mrs. Campbell:** Did the courier stamp on it?

**Mr. Singer:** Yes. I shook it out carefully but there were no dollar bills in it, just the draft statute. The whole new scheme was supposed to commence on Jan. 1, 1975.

It may be just my suspicious mind but it seems to me that the appearance of that draft statute came forward just a little bit more than casually. I'm not suggesting it came forward with the blessing of the minister or the ministry responsible. I think it came forward with a somewhat approving nod of some civil servants who are involved with insurance matters.

**Hon. Mr. Welch:** If the member, Mr. Chairman, will allow me, I'm advised that a civil servant formerly attached to the legislative drafting branch of the government of Newfoundland was retained to give some legislative expression to some ideas which the retainer had in mind. Secondly, at this stage, I must say we have no knowledge of it. In fact, I have not seen the draft Act and my deputy has not seen the draft of this legislation.

**Mr. Singer:** I could slip you a copy of it.

**Hon. Mr. Welch:** You could surreptitiously let me see it.

**Mr. Singer:** Yes.

**Hon. Mr. Welch:** I think, for the purposes of the record, it might be wise just to point that out.

**Mr. Chairman:** What you're saying, Mr. Minister, is it did not emanate from your ministry?

**Hon. Mr. Welch:** No.

**Mr. Singer:** No. The draftsman did not put his initials on it so there is no real way of tracing it.

**An hon. member:** It came from one of Smallwood's boys.

**Mr. Singer:** The only thing that led me to wonder about its source was that it sounded as though it was drafted—it read as though it was drafted by a parliamentary draftsman.

**Hon. Mr. Welch:** He's left Newfoundland. I think you're right in that particular instance, Mr. Singer.

**Mr. Singer:** All right. That's neither here nor there.

What we have arrived at with the IBC proposals, with the very great antagonism that the Advocates Society has put forward, with the report of—I can never remember the name of the fellow from Oakville—

**Mr. Lawlor:** McWilliams.

**Mr. Singer:** McWilliams. With the McWilliams report and now with the Law Reform Commission report, there has to be a universal recognition that there are a lot of things wrong with our automobile insurance law. Surely the last thing in the world we need is another study group or another report. Again I urge upon the Attorney General, since he is seized with this, and since the report is on his desk, to give us the government's idea what it is going to do about automobile insurance. We may like it, we may not like it, but bring it forward.

I suggested in the House, and I still think it is a good idea, that maybe we should have a select committee. A select committee did the only previous substantial revision of our automobile insurance law, even though it took seven years after the recommendations of an earlier select committee were put forward.

**Hon. Mr. Welch:** Were you on that committee?

**Mr. Singer:** Yes, I was.

**Hon. Mr. Welch:** John Robarts was chairman.

**Mr. Singer:** No, the member for Haldimand-Norfolk (Mr. Allan) chaired it; he was the No. 2 man in government at that time. There were three or four other gentleman who later became cabinet ministers. It was a unanimous report of that committee.

**Hon. Mr. Welch:** If we establish such a committee, there would be all kinds of applicants for membership.

**Mr. Singer:** That may well be something that we will have to wrestle with after 1975.

**Mr. Lawlor:** After all, you are the No. 2 man in government now.

**Hon. Mr. Welch:** Well, I don't know.

**Mr. Singer:** But somewhere along the line surely this system needs revision. There were some figures yesterday that I saw. Where did they come forward? I think that was a report of the meeting of the public accounts committee where the gentleman in charge of the motor vehicle accidents claim fund said that if there was compulsory insurance this fund would be exhausted and he didn't think that would be a very good thing. I didn't agree with his rhetoric, as it was reported in the paper.

**Mr. Chairman:** He didn't finish his presentation, Mr. Singer.

**Mr. Singer:** Well, I am just commenting on what I read in the paper. I wasn't there and I didn't hear him.

One statistic that he put forward was that there are 130,000, I think, uninsured motorists on the road. Surely we should have come beyond that stage in the Province of Ontario. Why should you have a licence to drive on the road as an uninsured motorist, having satisfied some mythical idea of independence, and have the right not to be insured if you pay to the government of Ontario \$40, and you give nobody protection? It is silly.

In percentage it is not a very large portion, but when you have 130,000 uninsured drivers roaming the roads of the Province of Ontario, I think it is wrong. Surely the government is prepared to say it is wrong too? In fact, everybody who is on the road should be compelled to carry a form of automobile insurance.

I could go on and on through those automobile insurance recommendations, about the questions of compensation without fault and whether the scales are high enough or not. It is a very, very important question of a serious and meaningful examination of the rating structures.

Why haven't we declared section 267 of the Insurance Act that sat on the statute books for over 30 years which gives the government power to control insurance rates? Why has that never been declared? Do we really have any knowledge about the equity

of the insurance ratings? Does it make any sense?

One of my pet peeves at the moment is that the unmarried male under 25 continues to be a villain in our society unless either he gets married or unless he—it doesn't apply to females—passes this magical age of 25. While he is in this unmarried male state and under 25 the insurance premium goes up to \$200 or \$300, notwithstanding what his driving record might have been.

My son has been driving for five years. He is unmarried and he is under 25. He has never had an accident and he has never even had a summons, though he gets the odd parking summons. Why is there no consideration given for that, and why should he be in this category of dangerous people? Does that make any sense?

Do we take into consideration only the underwriting profit and loss statements in coming to some conclusion as to whether rates are reasonable or not? The underwriting statements are certainly not the conclusive element, because most of the underwriting statements show a loss or a balance, or there is a minimal profit. Then one has to ask, "For heaven's sake, if your business as an insurance company is so unprofitable, why do you stay in business?" And they say, "Oh well, it is a public duty," and so on.

It is a bunch of malarkey. They stay in business because they make a profit out of their investment income which is part of their business and they make a profit out of interest on prepaid premiums. That's how they do it and it's a handsome profit which is reasonably ascertainable. Surely the time has come when we have got to begin to look at that sort of thing.

But what I am crying for, Mr. Chairman, in this whole series of reports, is some leadership from government. For whatever reasons, the government has had a series of attorneys general over the past couple of years and no one seems to have stayed there long enough in recent years, other than Mr. Wishart who had a fair run at it, to have come to serious grips with these problems.

But to keep the Law Reform Commission busy churning out some more reports, and if we are going to get another set of them by next year if these seven aren't dealt with, what's the value of the exercise? What are we achieving as a Legislature or what are we achieving for the people of the Province of Ontario?

There was one more report that was before us.

**Mr. Lawlor:** Solicitors.

**Mr. Singer:** Solicitors report. You have dealt with that?

**Mr. Lawlor:** Yes.

**Mr. Singer:** Yes, I think the principles I want to enunciate about these reports and about the functioning of the Law Reform Commission I have enunciated, with some specific examples from these. As I say, this is neither the time nor the place when in detail we can examine any one or any series of these reports. But these are my observations and I think it is most important.

We have come to the point where we recognize there is a problem. We've appointed a body that says, "Okay, we'll wrestle with the problem." We get thousands of pieces of paper and then the problem sits on somebody's desk. Without being too nasty to you, you are going to go around the province and see if somebody can show cause why something or other should or should not be done. That's not coming to grips with the problem.

The way you are going to come to grips with the problem is to let the decision or tentative decision of the government be known and then let some legislative forum get at it in a meaningful way and fix a target date for passing legislation, if you are hopefully going to clear up some of these problems.

**Hon. Mr. Welch:** Mr. Chairman, I am very grateful for the comments from both opposition spokesmen. Perhaps we will have some more when we hear from Mrs. Campbell.

**Mr. J. P. MacBeth (York West):** Mr. Chairman, I wonder if I could just make a comment before the minister.

**Mr. Chairman:** Yes.

**Mr. MacBeth:** Mr. Chairman, I just wanted to say briefly that I endorse a great part of what has already been said. I think the work of the Law Reform Commission has been admirable. I think for the most part, it has been accepted. Naturally, if it came down to law, nobody is going to accept everything they say when one actually converts what they are saying into the statutes.

But I feel like the others who have expressed an opinion and I say that if we are not going to use the bathwater, we should turn off the tap. The reports are getting pretty heavy on our desks now and it is too bad to have them coming in with us not making better use of them than we are doing.

I mention the Powers of Attorney Act. I know the problems that we have had there.

I am certainly not in agreement with what the report says, but I would like to see us get these in legislation, as the member for Downsview has suggested. Get them before us in legislation and then deal with them maybe in a justice committee such as this because I would agree that they don't have to be partisan matters. I think we could have some very stimulating and very good discussion getting them before us in the form of legislation but maybe not staking the government's life on them—in other words allowing a pretty wide latitude for amendment and discussion, and then come back with something afterwards.

**Mr. Chairman:** Thank you, Mr. MacBeth. Before the minister responds, possibly Mrs. Campbell could carry on with her comments in connection with the report on family law.

**Mrs. Campbell:** Well, Mr. Chairman, before I do, I wonder if this committee could bear with me for one moment because I think it might be appropriate at least to acknowledge the presence in the audience of Miss Margaret Hyndman, QC, who has probably done more than any single person in the field of anti-discriminatory activity. I know that she is here, primarily I would assume, on the matters pertaining to family law.

Having carried through a long history of working in the courts, she was valiantly defending the position of the Indian women in Ottawa during March of last year. It came to my attention, Mr. Chairman, and I thought it might be suitable at least to acknowledge that she was with us.

**Mr. Chairman:** Thank you very much, Mrs. Campbell, for bringing that to our attention, and the committee certainly acknowledges her presence and is happy that she is joining with us today.

**Mrs. Campbell:** When I look at this matter of these reports, much of what has been said before is so valid, and I think if it's valid for insurance it is obviously very valid in the field of the family law.

There has to be, surely, a forum which is available to all of us in a non-partisan fashion to study and to hear from people. I am thinking, for instance, of the Ontario Council of Women, which must have some input into this, and it is not available to us as we go through this machinery today.

Certainly in deal with, for example, family property law, it is interesting that we have

the history as given to us by the commission, and I think it's good that they have given us the history because it stands as an indictment that this law should have been, in effect, for so long almost totally unreformed.

I would hope that the procedures which are to be followed would not mean that in 1984 we might celebrate 100 years of no reform by reforming something. I would like to see it happen a little before that time.

Particularly with a view to looking at the family property law, it strikes me that that is certainly a matter which is not going to be resolved by going out to the community and trying to come to grips with people who will have input into it. What you will get is probably the views of lawyers, but not the views of those who are primarily basically concerned with the situation as it is today, and with what we hope to do about it.

When one looks at the approach of the Law Reform Commission in this matter, I endorse what has been said by the member for Riverdale to some extent.

The idea of the economic partnership is one which I suppose can be adopted very clearly, but then when you get down to the type of recommendations that we have, and the formulae or formula, or whatever, which is intended to flow from it, one wonders whether anyone dealing with the matter has actually worked on some of the problems which are involved in these matters.

We get into the matter of ante-nuptial property, and I have been trying to work my way through, for example, the formula established; one takes into some consideration any ante-nuptial property insofar as it might appreciate in value. One does not take into consideration, as I see it, losses. That will be the loss of the owner's spouse. Let's just take that as an example and look at that type of situation.

More and more in this province, as I see it, certainly in this area, you have women who, at the time of marriage, have some property which they have acquired, usually through their own efforts in business. In a case in point, the wife worked, she continued to work, and her ante-nuptial property was used in order to assist her husband to take a course in law as a matter of fact. Once, of course, he got his law degree and the children were there, he decided there were greener pastures. Yet according to the inventory programme I assume she would have to make account to in a sophisticated Monopoly game, she takes three steps backward, as I see it, if she doesn't account for it. I presume he could deem it a loss in the equation be-

cause if it weren't indicated it would not be part of the equalizing factor, but he had gained from the use of nuptial funding.

**Mr. Chairman:** Or pay \$11 and go to jail or maybe take a chance.

**Mrs. Campbell:** That's right. Or take three steps backward or pay \$200 to get out or wind up in the family court and indicate his preference to go to jail. Of course, that is not unprofessional conduct and he doesn't suffer in his practice if he goes to jail in preference.

This is a whole wide ramification. In all seriousness, Mr. Chairman, I have not been able to sort out in my mind, to be of assistance to anybody in my thinking, whether this formula approach is something which can be accepted. Yet most definitely it does philosophically move us a step forward by the elimination of dower. I may say the Women's Law Association is on record for, I think, 30 years of grace to eliminate dower.

It doesn't seem to me that we can come to grips with it on the basis of this kind of acceptance of recommendations in this formula approach. We have to bring the family property law within an existing concept of law, as I see it. As Mr. Renwick has said, you take the whole law of partnership or whatever other type of law you're going to look at in order to approach these basic problems.

I am concerned that the very complexity of this report could delay any kind of consideration of some of the aspects of it. I do not want to see that happen. For example, in the sections which deal with the matrimonial home, it strikes me that at least in this area there could be some overt relief given to overcome some of the aspects of the Murdoch situation. This case has, of course, caused widespread concern even among the most small conservative women in the country. One of the difficulties in trying to explain this sort of thing to many women in the province is their very entrenched belief that dower somehow or other protects them against all of the ills and that they are assured of a one-third interest in their husband's real estate.

It's only those who have had to go through the actuarial process who find out that really what they thought was \$11,000 is probably \$170, having in mind their age and the age of the husband and all of the other nonsense that goes into it. You're not going to explain it very readily, I don't think, to this entrenched kind of position. The Women's Law Association has tried it, as I say, for some years.

We come to other questions which are of great importance, it seems to me, in looking at such matters are insurance and whether or not pain and suffering should be a separate property or a combined property. Of course, as far as pain and suffering is concerned, I would think it was something that should be ascribed to the person who's suffering it. But we have a long explanation about this particular item.

We try to deal with pensions and pension benefits and we do it on some kind of basis which doesn't seem to me to be taking into consideration the highly discriminatory aspects of pensions as they stand today. So you start thinking in terms of what you do under family property law about pension benefits, and so forth, and you then have to go someplace else to look at what the benefits are and how you will work them out between two spouses.

They talk in here about the Dependents' Relief Act and they have taken the position with children that illegitimacy should be discounted. Of course, I was pleased that at least we had a statement of government policy on that question.

Again, they don't come to grips, as I see it, with the changes that are required to bring a child's rights before the courts in other areas, such as they are in the Deserted Wives' and Children's Maintenance Act. Here you are confined to illness, incapacity, but there you have obligation for the support of a child in an educational institution on a full-time basis beyond the age of 16. This hasn't been caught up in all of it.

I'm only citing these, Mr. Chairman, to indicate my difficulties in coming to grips with the reports on the basis of processing them in the way in which they're being processed here, and again, to try to answer the minister with my lack of ability to be able to give him definitive answers on these very difficult questions.

I would really urge on the minister to reconsider his approach in this matter. If there's ever a case to be made for draft legislation which can then be looked at by the counsel, by other people in the community who have been suffering under some of the limitations, this, to me, is it. I really feel that I would support the introduction of a bill with which I was in disagreement and without any sense of partisanship, just to bring it forward so that we could discuss it. And I would accept that it would come forward on those terms.

But this is not something which, I think,

can be discussed by a minister going around the province talking to anybody other than lawyers—male and female, one would hope—but there's nothing else that people can get into without having a great explanation as to the entire report.

I believe that the commission has made a valiant effort to come to grips with the thing. They certainly have pointed out the frightful limitations that there are. Perhaps there were a lot of people in the Legislature who if they had read the report could understand more clearly why women in our society have been so concerned and so frustrated at trying to get some kind of equality.

But, really and truly, if we could just deal with a part of it; the minister had indicated, unofficially I suppose, that he does not wish to deal with this in a piecemeal fashion. I would think that that might be the only way in which we could hope to at least have a statement of the philosophy of this government in these particular areas. I am not going into it, Mr. Chairman. I was prepared to go into it in detail, and I don't want anyone to believe that I am not anxious to do that, but I don't want to take the time of this committee if there can be some assurance that there will be an opportunity for us to deal with it in detail and in the presence of those who have some input into all of these areas. I still retain the right, I would hope, to discuss the family court situation under another vote.

**Mr. Chairman:** Possibly the minister could respond to your remarks and the remarks of the other members at this time, and then, if you wish, you might get into the family court situation as such.

**Mrs. Campbell:** Thank you.

**Mr. Chairman:** The minister.

**Hon. Mr. Welch:** Perhaps I may be allowed just one or two comments, Mr. Chairman. I have found this discussion tremendously helpful and I do want to acknowledge the very positive and constructive spirit in which all the comments have been made.

I couldn't agree more about wanting to find some satisfactory vehicle to assure proper discussion. Let me illustrate some of the concerns I have.

Quite frankly, quite openly, I carry no rigid position on the method of consultation. I think the point that I was trying to make was that it was important to make sure that there was some opportunity for people to express views with respect to this. I was very anxious that it not be the type of consultation

which only involved the obvious vested interests in this matter, but that, both with respect to the organization of our court system and the family law or whatever report, we would always keep in mind that it is the public we serve. I wanted to make sure there was some opportunity to satisfy ourselves that we did hear from the public as well as those who are perhaps closely associated with some of the implications of any change.

May I quickly say that I agree with the member for Downsview that there would perhaps be a great deal of wisdom in having some type of declaration, some type of draft legislation, that would provide some starting point for a discussion, regardless of what the end result may be. In this day and age of consultation, however, I suppose one takes the risk of people then accusing the minister of having his mind made up because he has draft legislation, so, therefore, is this really just a charade, are you really interested in our views, because here we are with a draft Act?

Well, I suppose that if we are all agreed that there is some advantage in cutting through all of the rhetoric, to which Mr. Renwick has made reference, in getting down to the recommendations, there may be no other way of doing it, with all kinds of statements than say, "Look, this is how we see it and we are not married to any particular point of view here. Let's get into it," and in the non-partisan spirit to which reference has been made. I want to illustrate that in two or three ways.

No. 1, reference was made in the beginning of the discussion on this item by the member for Lakeshore with respect to the recommendations in the report dealing with powers of attorney. It was my understanding that that is exactly what my predecessor did with respect to that; he put a bill in for first reading to provide an opportunity for some comment. And as you will know, he received a fair amount of comment with respect to that draft legislation, which is now the subject matter of some review within the ministry, to see how that might influence some further attempts to bring in legislative changes in that area.

No. 2, the member for Downsview does make some reference to the article which appeared in a Toronto newspaper dealing with my views insofar as the courts administration was concerned. I think, just to put it in proper perspective, it wasn't a case of attempting to blindly follow up a point of view of a predecessor, but rather to indicate that the government had in fact—in keeping

with what the member for Downsview has stated to be an acceptable way to start some discussion—authorized my predecessor to make a policy statement with respect to that report. So it wasn't just a personal opinion. It was a government position.

All I was saying, in order to not appear to be too rigid was that my predecessor did announce, a position of the government. I do know that this is creating some excitement, some concern, throughout the province. Now, I say, let's start from this and show me what your concerns are.

I did play around with a legalistic phrase, show-cause, attempting to remind myself and others that there was a time that I was involved in some professional activity in this regard. Perhaps I didn't use the right expression, but the spirit was there. There was a statement, just as you were calling for in some other areas, and there was some concern.

One thing I would like to make quite clear is that I am not looking deliberately for confrontation with anyone on that issue. I hope that neither the minister, his officials nor the profession nor the judiciary are going to allow that issue to be determined through exchanges in any newspaper. I hope we will sit down and discuss this matter in a very intelligent way, keeping in mind the public whom we all serve, but particularly the tremendous respect we have for our system of the administration of justice in this jurisdiction, which must never be tarnished.

Indeed I think we are all saying the same thing in the exchanges in the paper as to how important it is for us to ensure the independent judiciary and all these other matters about which I can assure you there is absolutely no dissent as far as this ministry is concerned.

But it was in that spirit, as an illustration, that we had a statement of government policy that was obviously creating some concern and perhaps some misunderstanding. Perhaps it needs more explanation, and obviously it needs more discussion. I simply said, "Look. Here I am. Here is the statement that is part of what I have inherited. Let's sit down and see what is of some concern." It is really not a bad illustration of what the hon. member for Downsview is perhaps asking for in other areas here.

I do agree that it would be a very difficult thing simply to take a report in this general way. I have been giving some thought to the question of perhaps giving some priority to the establishment of a draft code of family law that would sweep into it all these recommendations that we feel should be proceeded

with, and to use the draft code as a discussion paper.

In the meantime, in keeping with what the hon. member for St. George has said—and she is correct to the point that I was reminding those who were asking me questions about the timetable for implementation—it was obvious that there were ramifications in the sense that once you changed one particular area, you had to really carry it through to see that all the implications were thought out.

But I was satisfied—in fact, the Speech from the Throne more than hints, it indicates—that there were some aspects of this report that could be addressed immediately. And there will soon be a bill before the House in connection with what we think we can do, and not have to wait for the general code.

Although I welcome this discussion in estimates, I also realize that we can't possibly accomplish all that we want to do and that we should really be setting aside special time for nothing else except this sort of thing. I am very much impressed with the comments that have been made and, in fact, by the willingness to be involved which has been indicated by the comments that have been made.

Once I have completed these estimates my priority as Attorney General is to get into this area of law reform with all these reports as quickly as I can and, through our policy development division, to start to work on some of these declarations.

The other point that I should mention is of course that the legislative implications of these recommendations don't lie exclusively within the purview of this ministry. Some reference was made to the sale of goods earlier this morning and, of course, the Minister of Consumer and Commercial Relations (Mr. Clement) and the officials of his ministry have been asked to comment on that as well as on the insurance report. So although the Legislature is being asked here to vote for money for the continuation of law research through the Ontario Law Reform Commission, it is obvious that implementation does not rest exclusively with this ministry, and we have to orchestrate that to some extent as well.

Not wanting to prolong the discussions and as anxious as I would be to have far more comment on this, because I find this a very exciting area as the possibilities here are tremendous, I would hope that we might be able to develop some mechanism to satisfy ourselves that we are being quite open for this type of consultation and that people will

feel that they will have some opportunity to influence the outcome. At the same time, we recognize that if we are too general we may not accomplish our purpose, and if we try to do too much at once we may immobilize ourselves simply by being overcome by the magnitude of the job.

With all of these things in mind, I think that generally in the spirit of our discussion we are anxious to get on, recognizing of course that we have an obviously helpful vehicle right here, that is, the standing committee on the administration of justice itself, although there may be others who may want to join with us in some of the discussion.

I have presently started legislation through the policy field on two or three aspects of some of these reports. You will be hearing from me before too long on those. When I was talking about my travels throughout the province, I was wanting to follow up the visits into the regions. I think the province is divided into eight regions where my predecessors had gone with the administration of the courts report. Following his visits in those areas, various committees have been established by court officials and bar associations and so on in that connection. While we were doing this and while the policy field committee was going to go throughout the province, I thought it might be a good idea to use those opportunities, with perhaps some prepared questions to invite people to become interested in these reports and some of the implications.

I'm now repeating myself. I do appreciate some of the practical problems of the mechanics of this. It would be unfortunate if all the best intentions in the world didn't produce some very helpful suggestions. I'm very open. I just simply would want to assure my colleagues in the Legislature that on this matter I am very open to any suggestions that would ensure the widest possible discussion of these matters which have such wide implications as far as the people of the province are concerned, and at the same time not give the people the impression that law reform is the exclusive prerogative of those who happened to have studied law.

**Mrs. Campbell:** Could I have one question?

**Mr. Chairman:** Yes, Mrs. Campbell.

**Mrs. Campbell:** I'm very grateful for what the minister has said on his approach to this. I wonder if I could have some comment on the one statement that I made, the one fear I have, that because the family

law section—and I recognize what was said in the Throne Speech—is so complex that it might not be given top priority at this time and that we might find it easier to deal with the insurance problems or some other problems and some other report. I just want to express a crying need for reform in this area.

**Hon. Mr. Welch:** In family law?

**Mrs. Campbell:** Yes. I don't want it to get shelved because it is so complex.

**Hon. Mr. Welch:** What I would really say is I think it can be divided now into at least two parts. There is the immediate situation, which I think we can address ourselves to. I'm working on the situation that you made some reference to the Murdoch situation.

Then there are the longer range matters which I think could be embraced in the code, which would require a little more time. Indeed Mrs. Sabia and some of the people from the Status of Women Council have urged that we not rush into the second aspect until they've had some opportunity to go into it. It has come forward with a fairly attractive idea as to how we might provide some type of a seminar this fall with them on the code business. I feel that we can move in these other areas right away.

**Mr. Chairman:** Mr. Lawlor, you have some comments rising out of this?

**Mr. Lawlor:** Yes, I have some comments. I am almost convinced that perhaps the best vehicle to proceed with would be the draft code of notion. You've had good precedent federally and even here with respect to that aspect without committing yourself in any rigorous way in advance. At least it will give orientation and teeth to a nebulous situation at the moment.

The obvious alternative is a purple paper, in various hues of green, in which—

Interjection by an hon. member.

**Mr. Lawlor:** I often wonder from what I have seen. It would be better if these papers, again, were more categorical and positions were actually taken, instead of just simply giving pros and cons and making no—

**Mr. Singer:** Well, if it's going to look like the one about Sunday—

**Mr. Lawlor:** Yes, if it is.

Interjections by hon. members.

**Mr. Lawlor:** That's hopeless.

**Mr. Singer:** Yes. It's terrible.

**Mr. Lawlor:** The green paper for our warranties isn't nearly as bad. The government does—not on the nub points, but on peripheral points—does take a stand all the way along the way. And that was very helpful in our discussions on that, which the member for York Centre (Mr. Deacon) convened there for many many weeks as a private member seeking to get public input. Members of this government attended on that, and that was valuable for the work he did at that time.

If I may just ask you to bear with me for a moment on the formula. If the member for Riverdale's basic proportion were perused, mused and thought perhaps acceptable—that is, a fundamentally partnership concept, ab initio in the marriage relationship—then I would think that the necessities for these elaborate formulae would be substantially eliminated, to say the least.

On the other hand, if the theory that the law commission reforms—in Mr. Renwick's opinion—in a compromising way continues to perpetuate into the present day—namely the separation of property, period, except on certain contingencies, then—many years ago, in 1968 or 1969, I read Ian Baxter's initial input report about it which contained pretty much the same point. I thought it was over-complex and would require everybody in the profession who had been out of law school for two months to go back for at least 1½ years in order to probably include themselves in.

If that basic separation of property concept was to prevail—and there are deep atavistic roots in our society, particularly on the side of the male, that really hedges about this, really, in the last analysis shies away, that he really wants final control and domination.

This is an hereditary and deeply-rooted thing, and that would have to be overcome in the process of bringing it about. But as I indicated earlier this morning, I'd be prepared to go for it.

Certainly it's fundamental to a relation of love or no love; a relationship of community and property in a deep sense of interpersonal obligation having been assumed, damn it, all the way along the line. And in that regard, if you take the Law Reform Commission's basic premise and what flows from it, I think you are forced into the formulae.

Whatever I may have thought originally about Ian Baxter's and Allan Leal's various forms of acrobatics, gymnastics and what not, in the past while, having perused and spent some time mulling over that report, the business of taking the gross position of both parties, making fundamental exemptions—which really erode the base in terms of gifts and “who” and “mine” and “thine”—All along the road there are settlements and various types of trust to keep busy. Then you begin the business of coming down to that net estate on both sides, then taking gifts and settlements during the course of the marriage as being excluded from the formulae, too—sometimes net and then sometimes not—and then getting down to the thing called the balancing claim where there is a 50-50 quid pro quo takes place.

I find it all very awkward, all very obnoxious, all very actuarial, and having very little to do with the fundamental issue involved in this case and only brought about by the a priori positions taken by the paper itself; and that's I am sure what my friend means by the rhetoric. He says in the foreword that it is a full-flown partnership relationship but, really, it's not, let's face it.

In that particular context I would ask that you go back on the report in the process of drafting your code and give good thought to adopting the basic position outlined by the member for Riverdale.

The only other thing I want to say, not on this particular point, is that you haven't answered a couple of questions of mine.

**Hon. Mr. Welch:** I'm sorry. I thought my answer was all-embracing.

**Mrs. Campbell:** He was so enchanted listening to you, he forgot.

**Mr. Lawlor:** What about repairmen's liens and what about standard forms for leases and your proposed legislation touching industrial and commercial leaseholds?

**Hon. Mr. Welch:** I think they're both matters which are currently being reviewed in the ministry but perhaps the deputy could be more particular.

**Mr. F. W. Callaghan (Deputy Attorney General):** Pardon me, sir. We haven't got the report on the standard form of leasehold yet. The Law Reform Commission is working on residential leases.

**Mr. Lawlor:** Yes, you're right. What about the other one?

**Mr. Callaghan:** We'll work on that.

**Mr. Lawlor:** Yes, you'll work on it.

**Mr. Chairman:** There's a commitment for you, Mr. Lawlor.

**Mr. Lawlor:** Is there a commitment, do you feel, Mr. Chairman? I feel no commitment at all.

**Mr. Chairman:** That eases, I'm sure, the burden that the staff might otherwise have.

**Mr. Singer:** It solves that problem.

**Mr. Chairman:** Mrs. Campbell, your comments in connection with the courts would come under vote 1206, I would think.

**Mr. Singer:** On item 5 of vote 1201, Mr. Chairman, I notice that in the year 1973-1974, when you set aside \$10,000 for a royal commission, you forecast \$830,000. I recognize it's absolutely impossible to put any realistic figure in this estimate. What royal commissions do we have? There's the one on crime in the building industry; is that the only one?

**Hon. Mr. Welch:** I do have some responsibility for accounting to the Legislature for the expenses on the commission dealing with redistribution.

**Mr. Singer:** Yes.

**Hon. Mr. Welch:** I think they're the only two.

**Mr. Singer:** Those are the only two. All right.

I don't want to delay this particular figure very long but I would like to know—I've asked you this in the Legislature and had I had the floor this morning I would have asked you again—what ever happened to the interesting statement by Mr. Shepherd about the giving of gifts to the officials of the Ontario Housing Corp? That statement, if my memory serves me correctly, was made last November and I did ask you about it in the House and you said it was still under police investigation.

I noticed the other day that several officials or employees of Ontario Housing were charged in Mississauga but it had no relationship to what Mr. Shepherd was talking about. I'm very concerned about that one and I'm just wondering how long that investigation's going to go on?

**Hon. Mr. Welch:** Perhaps, Mr. Callaghan, you could bring the member up to date on that.

**Mr. Callaghan:** That investigation is proceeding. It's a three-phase investigation; there are three groups of people involved, in the sense of three categories of people. The investigation is completed with two of the categories. They're on the third category now which involves reviewing records from a number of companies and contacting people in those companies.

There are only two officers doing it which contributes to the length of time but it's necessary that the two people who started this investigation go all the way through with it because it is a complex investigation and you have to have continuity in thought and approach. We would hope the investigation would be completed within the next few months but it is probably one of the most complex investigations we've had to do for a long time. It's being handled by the Ontario Provincial Police.

**Mr. Singer:** All right. I hear what you say. The two people who are investigating it are police officers?

**Mr. Callaghan:** That's right.

**Mr. Singer:** Right. When Mr. Shepherd made these remarks to Judge Waisberg, the whole matter was left sort of dangling on the basis that a police investigation had commenced and perhaps he would refrain from making further recommendations—I think the judge went along with that—until the results were available.

There were suggestions about the possibility of coming back to the government and asking for expanded terms of reference. There were several other suggestions as to whether or not the terms of reference that this royal commission presently had were broad enough to let them get further into it, and really the whole thing was left in limbo pending the determination of the police investigation. I thought the public hearings of the commission were over, but I notice in today's press there were reports of further public hearings, and I would think that that commission is pretty well coming to the conclusion, certainly of its public aspect, and perhaps even has in draft form some of the things that are going to be in the report.

If that commission is going to press the OHC matter further, and I think perhaps it should, regarding police investigations, there will be a police report made to the Attorney General saying, "Yes, we feel that A, B and C have committed criminal offences and should be charged," or, "While things have gone on that we don't like, there isn't suffi-

cient evidence to charge them," or "Nothing has gone wrong." I don't think that should be the conclusion of this item, because I am very disturbed by what Mr. Shepherd said in his statement.

I don't think that the police investigation by itself, which has to fit itself into four walls, is really the answer to the problem that Mr. Shepherd posed and I would like to hear your views on that.

**Hon. Mr. Welch:** I don't know what I can add. The deputy has stated, certainly on the basis of the information which Mr. Shepherd made available—and I had some familiarity with this in another responsibility—that the police investigation was authorized immediately and I am quite satisfied that it has progressed as quickly as it could under the circumstances. What the disposition of this will be, of course, as you—

**Mr. Singer:** Moving quickly under the circumstances, and hearing what Mr. Callaghan said, it is some four months now. How long does this kind of investigation have to be?

**Hon. Mr. Welch:** This third area of investigation is a fairly complicated one and I think it is very important. I think you will be satisfied with respect to the thoroughness and I don't know if I can share anything more with you except that I am satisfied that they are very extensive and that they are moving—

**Mr. Singer:** Well, at some time I would hope to be taken into the minister's confidence so that I could decide whether I am satisfied or not.

**Hon. Mr. Welch:** I think that can be arranged.

**Mr. Chairman:** Shall item 5 carry?

**Mr. Singer:** No, no, I have a second aspect of it.

**Mr. Callaghan:** On the other point, which relates to the nature of the investigation, I can tell you that the investigators have worked closely throughout with the investigators of the royal commission because of the way in which it arose, and that the commission is well aware of how that investigation is progressing and I am sure that if the commissioner feels there is any need for him to go into it he will.

**Mr. Singer:** Well, he is pretty well foreclosed from asking that his terms of reference be expanded or from attempting to interpret that his present terms of reference are suffi-

cient to let him get into it for two reasons. One is that he is not going to get into it while the police investigation is going on, nor perhaps should he.

The second thing is, if the police investigation turns up the recommendation that A, B and C should be charged, then the matter will be before the courts for perhaps many, many months. What bothers me is that we have a vehicle in operation that could expand this, and I have been disturbed for several years about some of the internal operations of the Ontario Housing Corp. and I just don't want the whole matter to be foreclosed pending the determination of a police investigation. Charge somebody; don't charge somebody; maybe somebody has done something but we haven't got enough evidence, or maybe nobody has done anything at all; that is a concern.

**Mr. Callaghan:** Well, you know that in police investigations the rights of people are involved and you can't comment on that.

**Mr. Singer:** Yes, I know that.

**Mr. Callaghan:** I think all we can do is assure you that the commissioner is well aware of how the investigation is progressing. The counsel who are advising and instructing the police on it relate directly with the commissioner and the commissioner and his counsel, and that we hope the investigation will be complete in a few months.

**Mr. Singer:** A few months yet?

**Mr. Callaghan:** Yes, I don't want for one minute to minimize the nature of it. It is a very complex investigation dealing with, at one stage, 120 interrelated corporations. Now you have to ferret out which ones are involved and which ones aren't and in the last analysis—

**Mr. Singer:** I can guess the case you are talking about too.

**Mr. Callaghan:** Well, in the last analysis there will be very few involved, but I mean you have to go through the whole procedure in order that your investigation is complete.

**Hon. Mr. Welch:** It is very difficult.

**Mr. Singer:** Well, all right, you point out the danger that concerns me.

**Mr. Chairman:** Mr. Singer, will you be long?

**Mr. Singer:** I will be just about two minutes. You have pointed out the danger

that concerns me. The investigation has yet to continue, Mr. Callaghan said for perhaps another couple of months; the royal commission could have come and gone, and we are stuck; or all we have then is a police report, which is something less the kind of thorough going examination of these problems that I would like to see. That royal commission doesn't seem to have too much more on its plate by way of evidence, and to what extent its report has been prepared, I don't know.

**Mr. Chairman:** Shall item 5 carry?

Vote 1201 agreed to.

**Mr. Chairman:** That completes vote 1201. This committee stands adjourned until after the question period on Monday afternoon.

**Mr. Singer:** Again, before you adjourn until after the question period on Monday afternoon, I would like to say that we are

going to run into the same problem. Presumably, in the House, they were debating the Land Transfer Tax Act this morning. I would have liked to have participated in that debate, and I couldn't because I had to be here. The other one that is coming up is that speculation tax Act. I certainly want to participate in that, and I would urge upon the minister that he have a serious chat with the House leader to see, at least for the duration of those two bills, that we don't have these estimates going forth concurrently.

**Hon. Mr. Welch:** Well, I will be very glad to transmit your concerns to the House leader. I don't have control over the organization of the business of the House, but I will be glad to express your concern.

**Mr. Singer:** Well, it is certainly very unfair to me and to others.

The committee adjourned at 1:08 o'clock, p.m.

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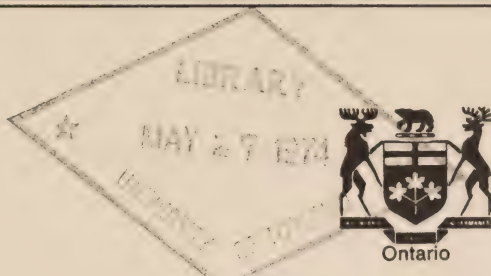
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# Legislature of Ontario

*Ontario Legislative Assembly*

## Debates

### ESTIMATES, MINISTRY OF THE ATTORNEY GENERAL

Standing Administration of Justice  
Committee

Chairman: Mr. J. A. Taylor

OFFICIAL REPORT — DAILY EDITION

Fourth Session of the Twenty-Ninth Legislature

Monday, April 22, 1974

Speaker: Honourable Allan Edward Reuter

Clerk: Roderick Lewis, QC

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## LEGISLATIVE ASSEMBLY OF ONTARIO

MONDAY, APRIL 22, 1974

The committee met at 3.25 o'clock, p.m.

ESTIMATES, MINISTRY OF THE  
ATTORNEY GENERAL  
(continued)

On vote 1202:

**Mr. Chairman:** We have a quorum, ladies and gentlemen, if we might proceed. Mrs. Campbell, did you have something you wanted to lead off with?

We are dealing with vote 1202, item 1.

**Mrs. M. Campbell (St. George):** In this particular vote I'll be very brief, initially in any event, but I wonder if the Attorney General would give consideration to looking at the way in which this particular operation functions? Because my experience has been that quite often under the heading of administration certain initiatives are taken by the administrative staff without, I think, always comprehending the effect of their directives—and they are directives—upon the courts and their procedures.

I would hope that there could be a greater liaison somewhere along the line, so that before a directive is given there would perhaps be some discussion as to the reasons for it. Often there is no apparent reason at all in some of the things which occur, and it is through the function of this particular programme where judges, for example, in the past have been very isolated, very cut off from getting through to the Attorney General or to the deputy. I don't think that this serves the administration well and I think perhaps it precludes the kind of co-operation that ought to make flexible the total functions.

I just want to make that one point, because otherwise I have nothing that I can say usefully in this particular vote.

**Hon. R. Welch (Attorney General):** Thank you very much.

**Mr. P. D. Lawlor (Lakeshore):** Mr. Chairman.

**Mr. Chairman:** Mr. Lawlor.

**Mr. Lawlor:** I am afraid I am going to be here for quite a while. On the other hand, there are—

**Mr. Chairman:** We hope you will be with us for a while, Mr. Lawlor.

**Mr. Lawlor:** Thank you, Mr. Chairman.

**Mr. Chairman:** Not only in connection with this particular vote or this item, of course.

**Mr. Lawlor:** That's more gracious than I deserve. Self-inflicted wounds are bad enough without having sadism entering into it.

**Mr. Chairman:** May I remind you, Mr. Lawlor, to speak clearly into the microphone, I've been asked by Hansard to ensure that your words are indelibly inscribed on the record.

**Mr. P. G. Givens (York-Forest Hill):** If he speaks clearly into the microphone we will have to hear everything he says. That will be intolerable.

**Mr. Lawlor:** The member for York-Forest Hill has shown up at last! Under what bushel have you been hiding your light?

**Mr. Givens:** I was busy in the other chamber clarifying certain things to my public.

**Mr. R. F. Ruston (Essex-Kent):** What public?

**Mr. Givens:** My public.

**Mr. Ruston:** You have a following, do you?

**Mr. Givens:** I have.

**Mr. Chairman:** Would you like to proceed, Mr. Lawlor?

**Mr. Lawlor:** To deal with Legal Aid this year is going to be an intricate problem, because not only have we the estimates in front of us, we have also the red book, which goes into it fairly elaborately, and the Law Society report of 1973, No. 4. We have 50 to 60 pages in McRuer, reviewing it in some depth, at least with respect to certain aspects. We also have elements in the report of the

Provincial Auditor, so there is a vast diversity of information, more than we have ever had to deal with before. The misgivings, the reservations, the possible defects in the plan are being perused in some depth now and it's causing some degree of real second thinking and, at least in the lengthy thing by the Law Reform Commission, a profound reassessment, even, of certain aspects of the plan as to its present operation and its liability to abuse; and actual instances where abuses have occurred in an ongoing way because of features of looseness which were written into it and because of certain internal operational structures which are conducive to its being abused.

All these things must be perused together with a separate item under this vote, the Law Foundation, which is linked with the Legal Aid scheme but which is, in a way, a separate matter which I think the general public and ourselves, since it is rather a novel thing, should make some perusal of. That being the case it is very difficult to know quite where to start in the process.

I suppose we start with the fact that from the 1972-1973 actual amount of \$11,262,000, it has jumped to \$15,458,800 which is a fairly monumental leap. We, in the New Democratic Party, from the very inception have supported and now will in the future support this scheme almost to the hilt. I would point out that against the jump of about \$4 million there has been a grant, in effect, from the federal government of \$4 million and that is an ongoing, continuing thing. I think it came into effect last year.

It required some alterations in the plan because of the criminal law jurisdiction of the federal government arrogating its funds to that particular head, as I understand it, and those matters which fall peculiarly within federal jurisdiction. Those are the terms and conditions under which that \$4 million is forthcoming.

Over against that, a matter, I guess we could discuss immediately, as an inflow into the plan, is greater strictures and greater emphasis and a desire on the part of the Law Society and others to collect mounting, cumulative fees owing to the fund, both with respect to a successful fund litigant making his contribution out of the costs or the damages awarded to him in the course of an action.

There are some anomalies in that situation because as it is pointed out, it is possible to be a successful litigant within the Legal Aid structure and get no money at all out of the thing at the end of the day because the

costs are disproportionate or have overreached the amount of the return. That seems a bit anomalous, a bit awkward and I would like the Attorney General to direct his mind to that particular problem; does that seem just? Have you any way of rectifying that? Couldn't you allow a litigant, if he is successful, in a personal injury tort suit to retain, say, generously, 10 per cent of the amount of money that he has been successful in acquiring and not eat up all the benefits of the thing?

This acts as a negative influence with respect to the initiation of actions and from that point of view, from the points of view of the government, it may be beneficial. In other words, it would cut down the area of litigation and this is one of those negative aspects which I find unpalatable in the course of the lengthy review given by the Law Reform Commission on the operations of the fund.

As I say, I thought the best place to locate the figures, and I have located them in half a dozen places, on the collection of delinquent accounts was at page 88 of the Provincial Auditor's statement 1972-1973. They show the amounts of money outstanding on balance of the end of 1972 and at the end of 1973, first of all with respect to accounts receivable from clients and secondly accounts receivable from judgements. Both of them lag behind.

They started out, the first one in the accounts receivable, clients, at the beginning of 1973 at \$1,600,000. They have added up at the end of the fiscal year, as of March 31, 1973, at \$1,736,000. So while there is more money coming in and an effort has been made to collect, it still continues to mount. Over against that, the amounts receivable out of the judgements, that is, the successful actions against defence litigants, show a balance of \$3,616,000 owing at the beginning of 1973, and at the end of the time had gone to \$4,395,000.

It may be argued and has been argued that much of these costs, these cumulative costs and moneys owing to the fund, could be eliminated, and I understand that certain writeoffs are taking place. I would like the minister to tell me to what extent that is the case; what is the sum, in other words, envisaged by the writeoffs? As I speak on this matter, I would rather not pause and ask separate questions. I would rather plunge ahead, and have somebody make a note, if they would be kind enough. What happens on these estimates is that one does what I am doing at the moment, and I find it damned irritating. You ask serious questions and they get lost in the shuffle. They never get an-

swered, and you have to come back on it. I would appreciate it if somebody would make a note. Thank you.

**Mr. Chairman:** Well then, Mr. Lawlor, I gather you wish to plunge ahead.

**Mr. Lawlor:** I'll plunge ahead. Make a note with respect to those amounts of money which are going to be written off—the lump sum—largely, I suspect, on the basis of divorce actions. You are simply not going to collect money from the erring spouse, if one can call them that, since most of them are fairly erring most of the time. There is no intention from the very initiation that they would pay and they escape this liability. There is authority under the legislation to impose a land lien—just one more of those land liens that we hear so much about—a lien on property for the outstanding amount.

It has emerged that that is very sparsely used; that it's an area that hasn't really been explored at all. Has your department given it a good consideration over the past few months, and are you prepared to proceed to levy those liens in order to pick up the slack, taking it altogether, of about \$6 million owing to this fund, which would very much reduce the outstanding indebtedness in this particular regard and make the thing far more palatable to the people of Ontario?

The fear is that, as the costs of the scheme mount, there will be more and more people who are excluded by way of their financial position, who are border-line people largely, from the operations of the plan and that types of venal resentments will grow up that presently pervade this province, say, with respect to those "bums" who are on welfare. If we start talking about the "bums" who are on Legal Aid, the scheme then begins to lose public confidence and all of its efficacy. I would rather not see that happen, and I am sure you wouldn't either, as that'll be the undermining of the scheme and what would replace it, I have no idea. I find that this scheme, fundamentally, as it operates on the solicitor-client relationship, has great efficacy.

Arising out of that relationship, another problem arises. The Law Reform Commission makes very strong overtures about the rule of non-disclosure, the rule that a solicitor or a barrister, before the courts may not, under possible discipline by the society, make disclosure that his client is a legal aid recipient. They think that this is too adamant a rule, too iron a rule, and they want to make a breach in it. They would say that judges at all levels ought to be cognizant that this is a Legal Aid case and, if there is abuse operat-

ing in the way that case is being conducted before the court, this ought to be made known to the area directors of the plan.

I want to put on the record that I have profound misgivings about that. The test is supposedly a needs test for a person to qualify for the plan at all and not a means test. The very fact that disclosure is made in the courts and through the special knowledge gleaned by people from Legal Aid attending upon the courts very well might operate detrimentally to the interests of either a plaintiff or defendant in the course of a piece of litigation. While the benefits that may accrue from that in terms of peripheral lifting of burdens, the concession of the Law Reform Commission itself is that there are no grave, deep-rooted breaches or malfunctionings in the plan and it is not being abused by the profession, by and large.

If such is the case then the need for this particular move has not as yet made itself apparent and has not yet become coercive. I would tend to leave it alone, at least for the present. If abuses are resurrected, if they do come to light and on perusal merit an investigation—and a new investigation officer has been appointed to the plan, at least in York—then very well, we may have to concede that particular point about non-disclosure in the public interest, over against the private interests of litigants—that may be a paramount and overpowering interest. I would usually tend to give the public interest a priority of place, but it has to be proven in the first instance that it has that priority of place in this particular context.

**Mr. Chairman:** Did you wish the minister to respond to those remarks at this time, Mr. Lawlor?

**Mr. Lawlor:** Just at the moment; I don't want to go off the vote though.

**Mr. Chairman:** Mr. Minister, would you care to comment?

**Hon. Mr. Welch:** I think the member for Lakeshore has raised some specific questions on which I would ask Mr. Pukacz to give us some information with respect to the collection of client contributions and costs and so on. Perhaps we could have some of the practical detail for that.

But while we are looking that up, so we don't lose sight of it, I am very interested in what the hon. member mentions insofar as the request that there be some disclosure with respect to those receiving legal aid is concerned. I would be inclined to the view,

and certainly it is a personal view, that the negatives of that do far outweigh any positive effects that may come. I find it smacks somewhat of an attempt to identify a group of people who are receiving aid, and I would worry about that notwithstanding the high motivation as to what the so-called positive effects are going to be.

I would hope that this discussion on this vote dealing with Legal Aid would be fairly complete and I would like to think that I, as the Attorney General, would send this along to the task force presently studying the plan, so that I could draw their attention to the points raised during this discussion. I would be very concerned lest anything that I would say in response here would be deemed to be wanting to interfere in any way with the very objective review of the plan by the task force. My predecessor having established it, we are very anxious to have some very up to date evaluation of the plan and its effectiveness, as the hon. member would agree.

So hopefully the hearings that are presently under way, representation of which will be made to the task force, will be helpful in formulating our programme for the future and incorporating some of the positive recommendations which they will be coming up with.

But now having made those general remarks, I think perhaps it would be wise to make sure that this discussion is forwarded to the task force. Perhaps Mr. Pukacz, as the general manager, could give us some of the detail that the hon. member for Lakeshore was asking for.

Mr. Chairman: Mr. Callaghan?

Mr. F. W. Callaghan (Deputy Attorney General): Mr. Chairman, on this question of the collection of client contributions and costs awarded, the Legal Aid Plan has faced a very difficult problem because many payment agreements are unrealistic. They are based on projected earnings of individuals who really do not have projected earnings, and that is one of the reasons that large apparent backlog appears on the record.

Hon. Mr. Welch: That's right.

Mr. Callaghan: The ability to make contributions is—and this is another problem of the plan—determined by one body, the Ministry of Community and Social Services, while the enforcement of those payment agreements is done by the other body, the Legal Aid Plan. This makes it doubly difficult, and, as you are aware, where a client

aided by Legal Aid wins judgement, Legal Aid costs are deductible from the judgement and they must be paid into the fund pursuant to provisions of the statute, section 17(2).

Now you can't blame the plan for that. It is the legislation which directs that. When the legally aided client is awarded costs on a party and party basis, those costs are recoverable by Legal Aid itself; that again is section 19 of the Act and the plan has no discretion.

One of the problems we are faced with in this plan—or which we are not faced with but the Law Society is; it has run this plan over the years—is that the increasing balances which appear every year as funds outstanding really result from unrealistic agreements which are made. A judge will award costs in a divorce action in many cases and there is just no hope of ever collecting them. Those costs will go into the fund.

I know that the legal aid committee members are studying this because it has been of some concern to them. They did indicate that they looked at the English legal aid scheme which demonstrated that in the last year they were able to check, 1970-1971, under that plan 35.2 per cent of gross costs were recovered. The comparable percentage of our plan would be approximately nine per cent. It shows a difference but you have to recognize that the English system provides services in civil matters only whereas our scheme provides them in criminal matters and it provides them in divorce matters.

The English method of monitoring the on-going services appears to ensure a higher percentage of successful litigation conducted by the plan than ours does. I think our plan has been very fair in taking legal services to the public. It has not put a premium on the potential success of the litigant in court. I think it is important in the Legal Aid Plan that a premium not be put on that; the man, if he has an opportunity to exercise his right in court, should be given that opportunity; if he has a reasonable claim for it. In England they have a higher percentage of collection rate because of this higher monitoring or more sophisticated monitoring, which does take into account the potential success of the claim.

Really, what we are faced with is a system by which under our court procedures, costs are awarded, as you know, in the course of the event. What happens is that we get a number of awards which go into the accounting procedures of the Legal Aid Plan which the Provincial Auditor quite justly points out should be collected. I think you are suffi-

ciently familiar with the plan to know many of those awards just are not collectible.

Maybe we should be looking at another arrangement but, again, the Law Society of Upper Canada has given that a lot of thought. We hope the task force may come up with some suggestions for modifying the arrangements we have and maybe modifying the sections, but I think the point, Mr. Lawlor, is that the legal aid committee has no alternative. The statute says that is what they do and I think they have to comply with it.

**Mr. Lawlor:** Somewhere in the situation here, they do mention a specific sum of write-off that was intended to take place but the date went over and it was carried through. What are they going to write-off last year out of the fund? Do you remember that?

**Mr. Callaghan:** I can't give you that figure but I can get it for you, because I know we went through this last year on these estimates, this very same problem. At that time I had those figures available. I don't have them now.

**Mr. Lawlor:** Can you get them again; because it seems to me it has not materially improved.

**Mr. Callaghan:** With respect, I noticed your comment that you ask a lot of questions and get no answers. I wanted to make the point that I thought every question you put on the record last year was answered and we sent you the material when the estimates were over. I was surprised you made the suggestion that the ministry was not answering your questions because we made every effort to answer your questions.

**Mr. Ruston:** He doesn't read them, that's all.

**Mr. Callaghan:** It may be that the government doesn't agree with your policy and—

**Mr. Lawlor:** Mr. Chairman, this may degenerate into a debate.

**Mr. Chairman:** I wouldn't think you would find yourself a participant in a debate, Mr. Lawlor.

**Mr. Lawlor:** I came here to make certain assertions.

**Mr. J. P. MacBeth (York West):** Mr. Chairman, if I might I would like to make one or two comments about the legal aid system, having served on the county volunteer committee or whatever you called it, at that time.

I was always concerned that perhaps through our Legal Aid system we were giving the Legal Aid litigant a preferred place over the litigant who paid his own expenses — Mr. Lawlor mentioned one of those and I think the Attorney General himself mentions one —and the possible success of the claim.

The man who is paying his own costs looks at the possible success of the thing and gets legal advice. The lawyer may tell him, "You have got a 50-50 chance of recovery here." The chances are that at that point he will back off and decide, "Well, if that's all I have, I probably won't proceed."

But the litigant who is assured of his costs through Legal Aid and knows he can only win—he can't lose—as far as his out-of-pocket expenses are concerned, he'll say, "Let's go ahead with it."

In my own mind, I wonder whether we are putting enough emphasis on the possible success of the claim over against the litigant who is to pay his own expense.

The same thing happens on appeals. It was the volunteer committee that sat in regard to appeals and gave their opinion on whether appeal was reasonable or not. There again, the litigant who is paying his own costs, if he has lost in a lower court, is going to think twice before he decides to appeal. Whereas, the Legal Aid client, who had his costs assured, is going to say, "Let's appeal it."

So, perhaps contrary to the view that the hon. Attorney General is expressing, I think that could be reviewed further by the Law Reform Commission.

I have also expressed concern in the past about new arrivals in Canada, that people who have perhaps jumped ship or entered the country illegally are using the funds of the taxpayers of Ontario to fight the federal government for the right to stay here.

I know these things are difficult. There are just cases where they should have that right, but recalling the number of cases that we used to deal with—and I am not up to date on the numbers now—a fairly large number of the people we were supporting were people who had never been taxpayers of this province at all.

Then again, on recidivists—and I know that this is an important matter to the criminal bar; they think there should be no limit on it—I know their problems, and maybe the man who is in there most often is the man who needs it the most. But I think there should be some review of that matter and perhaps somebody should assess how many times a

recidivist can obtain help and whether legal aid is warranted on his fifth or sixth time.

Those are three position on which I would appreciate some review by the ministry, sir.

**Mr. Chairman:** Thank you, Mr. MacBeth. Are there further comments on item 1? Mr. Lawlor.

**Mr. Lawlor:** Let us look for a moment at those who contribute to them. One of the reasons for the mounting indebtedness to the fund may very well be rising out of Community and Social Services' assessment. The Leal report, the Law Reform Commission report, says on page 159:

Apart from known problems in connection with tracing the undisclosed assets of a recidivist, the vast majority of successful legal aid applicants (67.2 per cent) are below the poverty line—and the remainder very close to it.

And then there is a footnote No. 96. I won't read the whole footnote; just one sentence:

Even 6.1 per cent of those below the poverty line have been required to execute repayment agreements as to part or all of the legal aid costs.

Surely that should be reviewed. Surely that policy is mistaken. If a person doesn't rise to the poverty line, he is hardly in a position to make contributions to legal costs. It is a purely fictitious sum, written into a debt load, which I suppose is supposed to give some kind of a feeling that the major contributions are being made by people the plan was designed to help without obligation in this particular regard.

There is no point in showing that a vast sum of money is owing to the fund if it's fictitious and rigged and totally artificial. Some direction in this should be given by your department as to removing that anomaly from the situation.

An area which we could discuss shortly has to do with the task force on legal aid and the six people involved in examining it. In your red book at page 16 you give a breakdown of the financial requirements for the fiscal year 1973-1974—detailed financial requirements as to this.

I put a question mark against consultants' fees and expenses: One partner, 10 days at \$300; one product administrator, 15 days at \$250; two consulting assistants, two time 15, times \$150. The members' fees are \$85 a day; counsel fees are \$40 a day, and when he appears on the hearings he gets \$150 a

day. In the spirit of noblesse oblige with the profession, let's not be too rigorous, eh? On the other hand, how about these consultants' fees and what is that all about? Why are the fees so high?

**Mr. Chairman:** Care to answer that, Mr. Minister, or Mr. Callaghan?

**Mr. E. K. Pukacz** (General Manager): Do you want me to answer?

**Hon. Mr. Welch:** Please.

**Mr. Pukacz:** They have a firm of consultants who are looking into the administrative, organizational and financial arrangements and one of those things that they also will be looking into is the assessment of contributions and also the collection of contributions. They are now working on it and they are looking at whether the organization is proper, whether there is proper control of expenses, and also whether there are proper matters of assessing and collecting income.

**Mr. Lawlor:** Could you tell me who those consultants are?

**Mr. Pukacz:** Clarkson Gordon.

**Mr. Lawlor:** Clarkson Gordon? They pop up everywhere. Without them the Canadian scene would go completely berserk, I'm sure.

**Mrs. Campbell:** Yes.

**Mr. Callaghan:** Insofar as the counsel's fees are concerned, Mr. Lawlor, the counsel is accepting the Legal Aid tariff for his fees, which I think is very commendable on his part.

**Mr. Lawlor:** I wasn't taking all that objection to those particular fees. Well, there is the actuarial basis of the plan, the business of the statistics, all being dredged up by Clarkson Gordon and Co. and supplied to the committee on legal aid. Well okay.

**Mr. Chairman:** Further comments anyone?

**Mrs. Campbell:** Yes, I have.

**Mr. Chairman:** Mrs. Campbell.

**Mrs. Campbell:** I wonder if I could know whether there has been any experience since the amending legislation whereby the province or Metro may conduct its own investigations and bring its own information into the family court, and whether this is changing anything in respect to legal aid so far as those cases are concerned? Has it been in operation? Have you done anything about it since the Act was amended?

**Mr. Pukacz:** In every case we have provided a guardian ad litem. In every case now, in an adoption or a change of wardship when there is a counsel, there is a guardian ad litem.

**Mrs. Campbell:** That isn't what I was referring to, with respect. I was referring to the automatic enforcement of court orders, for one thing. I was also talking about the original information. I think that if the province, for instance, is pursuing it I'd like to know whether there is an effect on the legal aid situation.

**Hon. Mr. Welch:** The information I have at the moment, Mr. Chairman, to the hon. member, is that we haven't had sufficient time to assess the impact on the Legal Aid programme of these new procedures.

**Mrs. Campbell:** I would assume that if you are going into automatic enforcement that the husband—and it is unfortunately the husband in each case up to this point—is not having Legal Aid counsel on automatic enforcement. Is that correct or isn't it?

**Hon. Mr. Welch:** Yes. Of course, we are not completely on automatic enforcement; we are on it only partially.

**Mrs. Campbell:** No, but that's—

**Hon. Mr. Welch:** But certainly that system has produced a remarkable increase in revenue. There is no question about the fact that where it is in force it is working fairly well.

**Mrs. Campbell:** Of course, I would submit that one has to look at it from the point of view of a large place as opposed to a small place where they know the people better.

Another thing I am interested in is the extent to which now we are having juveniles supplied with legal aid as opposed to duty counsel. Has there been any increase or any change in that situation? I surely don't expect that the juvenile is expected to repay anything. Am I wrong in that?

**Mr. Callaghan:** No, usually there is no agreement made with a juvenile. I am not sure what the actual impact on legal aid is. I know there is legal aid available to them if they want it. Often—you know what family court is like—sometimes they proceed without the presence of lawyers although there has been some suggestion that all cases should have a lawyer in family court. There are, as you can well understand, social implications of that which they may want to avoid; I don't know.

**Mrs. Campbell:** There is the other matter in which a great many people, including myself, are concerned about the right of the child to be represented in a divorce action. I don't suppose that that has been going forward?

**Mr. Callaghan:** That I think, comes back to the family law report in which they made suggestions for a public guardian—I forget the term they used—by which the interests of the child should always be represented in a divorce proceeding. I would think that would receive very serious consideration because there are many cases when interests of the parents do not necessarily coincide with those of the child.

**Mrs. Campbell:** Do I take it that in such cases you are of the opinion that this would not be a matter of legal aid but the appointment of an official—rather than legal aid?

**Hon. Mr. Welch:** I think the recommendation made was to have an official of the court.

**Mr. Callaghan:** Yes, I forget what they call it.

**Mrs. Campbell:** It was and I am wondering if that is your philosophy.

**Mr. Callaghan:** You can either do that or you can expand the responsibility of the official guardian in those circumstances to cover those situations. I am sure it is one of the things that will have to be considered in any revitalization or revamping of the family court role.

**Mrs. Campbell:** I would think that probably—

**Hon. Mr. Welch:** I appreciate having your views on that.

**Mrs. Campbell:** —as far as the family court is concerned one should look pretty closely at the effect on legal aid, if anything, there because I do know that there the court does have disclosure as a rule. Quite often it is the court that adjourns the matter in order to permit it to take place because they feel parties should be represented.

I can see the hon. member for Lakeshore's position insofar as other courts are concerned. I am wondering what the effect has been and if he is addressing himself to that particular situation where it is an effort to ensure that somebody has proper assistance in a case in the courts. I don't suppose the figures are actually broken down as to the various courts and the various judgements

because I wouldn't think you should have much residue from that court as opposed to the Supreme Court or county court matters. If you do, it is desperately unworkable and it is just stupid to expect that most of the people who are there are able to contribute.

**Hon. Mr. Welch:** It would be a contradiction, wouldn't it?

**Mrs. Campbell:** That is right.

**Hon. Mr. Welch:** It's one of the points that bring them to that court.

**Mrs. Campbell:** That is right. My feeling is that I do commend the province on the operation of legal aid as a philosophy. Our party certainly approves of it and endorses it. If there are ways to make it work better, of course, we are open to hearing about them.

**Hon. Mr. Welch:** I would simply draw the hon. member's attention to appendix G in the 1973 report of the Law Society. It does show a breakdown of completed cases by court for the year ending March 31, 1973.

**Mrs. Campbell:** Thank you. I shall endeavour—

**Mr. Chairman:** Are there any further questions or comments on vote 1202, item 1?

**Mr. Lawlor:** As a matter of fact, I would commend to you that the plan might be considered to be considerably broadened, not only with these figures that I mentioned before for those impecunious people who ought not to be charged to the fund at all and which would increase the cost of the fund—not really, because these figures aren't going to be collected anyhow. Over and above that, if they are working so close to the poverty line as all that, where does the contributory factor really come in?

The theory is that a millionaire could utilize the resources of the fund as long as he made his contribution to the fund. As I see the situation, that is what the initial thing was. It is pushing it a bit to the extreme to make the point but it is not supposed to be so circumscribed and narrow as it is presently. Therefore, I think there should be loosening of the fund.

I think it can be done, not only with the \$4 million contribution coming from the federal government but now that you have set up the Law Foundation of Ontario, 75 per cent of the interest on the solicitors' trust accounts is going to come into the fund this year. Of course you haven't got a clue—

none of us have—as to what that might come to. But if it comes to a few million dollars, then broaden out the fund and make your terms of contribution and your terms of eligibility somewhat less constricted than they presently are. That would be one of the things I would ask you very much to consider.

In other words, if the fund is to a substantial degree—and it is at the moment—self-provided for, at least as far as taxpayers of Ontario are concerned, then why not relax some of the more necessary restrictions that have been for the last six years since the fund was initiated, that everyone felt obliged to impose?

Obviously, whole troops of people who are being mulcted in the province under consumer legislation or in 100 different ways, cannot avail themselves yet of the fund which is designed to render a substantial justice across the board, and therefore walk away empty handed. And, of course, they feel themselves ill-equipped—not just ill-equipped, completely divested of any means whereby to make appeal to the courts and to the tribunals of justice in this province; and therefore a substantial injustice is being perpetrated and continued.

The purpose of the plan was to lift that—and it has to the poorest elements in the population. Now, it must broaden out and encompass people of affluent means who can very well pay their own way, but at the present time it's even arbitrarily afflicting those who can't possibly on any estimate pay their own way.

As a matter of fact, this is being reflected in the amount of refusals that are forthcoming under the plan.

**Hon. Mr. Welch:** I might just say, Mr. Chairman—if the hon. member would permit—on page 15 of his red book, it would seem to me that in the terms of reference, as they're set out there for the task force on the Legal Aid Plan, that item F would certainly include the points which the hon. member makes reference to as far as the extension of the modifications of the plan. If I might ask, is it the intention that the hon. member appear before the task force?

**Mr. Lawlor:** No, I'm appearing here.

**Hon. Mr. Welch:** I'll be very glad to see that these remarks are forwarded.

**Mr. Lawlor:** Fine. No, I have decided not to appear before the task force but to make any remarks I have to make in my course of regular responsibility.

Hon. Mr. Welch: I will see that they are passed on.

Mr. Lawlor: By the way, is the task force included in the first vote here?

Hon. Mr. Welch: Yes.

Mr. Lawlor: The full figure is encompassed in there somewhere?

Hon. Mr. Welch: Yes.

Mr. Lawlor: Where? How? In salaries and wages?

Hon. Mr. Welch: How is it covered, Mr. Pukacz? It's in item 1 here.

Mr. Pukacz: Yes. In item 1 the task force is provided with salaries and wages of \$22,300; employee benefits, \$500; transportation and communications, \$12,000; services, \$91,000—services is mostly consultants and advertising—supplies and equipment, \$5,000. The total, \$131,000, is included in this item.

Hon. Mr. Welch: In this item.

Mr. Pukacz: In the total item of \$15,816,700.

Mr. Chairman: Does that answer your question, Mr. Lawlor?

Mr. Lawlor: Yes.

Mr. Chairman: Thanks very much.

Mr. Lawlor: I can pick that up out of Hansard.

Mrs. Campbell: I have one point I want to make.

Mr. Chairman: Mr. Lawlor, were you finished?

Mr. Lawlor: Did you want to make an observation?

Mrs. Campbell: No, after you.

Mr. Lawlor: I was going on to the tendency to be more constricted, as I see it. The argument could be that that's not really the case; that as the cumulative load of Legal Aid goes on and from year to year, the number of certificates issued have increased, say, from the first year in 1968, from 38,000 up to 58,000 in 1973. That's certificates issued, not the number of applications made.

Now, with respect to the applications made, last year 125,865 persons attended at 46 area directors' offices; 76,564 made formal application, of which 58,885 were

issued a certificate of eligibility. There are those in the first figure, that is those who attended, who obviously have been supplied with informal or quasi-formal advice given right on the spot, which would alleviate the necessity for going any further. They give off-the-cuff advice like Renwick and myself give at our action centre every Saturday morning—and, by the way, saving the fund considerable sums of money from year to year because many members of this House do perform such a function.

But there is the gap between the 76,000 who make formal application—those who have got beyond that first barrier—and the only 58,000 of them who got the certificates of eligibility. There is a table, table 6, in the Law Reform Commission report, showing that the refusals in the year 1969 were 10 per cent. That went to 13 per cent the next year; 16 per cent the next year; in 1972, 27 per cent; and last year, 27.5 per cent.

In other words, one quarter of the people who made formal application are now being refused over against what I mentioned earlier, which I won't repeat again, as to where they stand in the income stream of this province. I suppose it has something to do with the merits of their action too. But having made formal application on some kind of advice, there would seem to be some modicum of validity to their claims over against the fact that when the hacking process takes place and they dismiss or jettison whole streams of human beings who felt that they had valid actions and were able to overcome the first hurdle in the process.

It sounds to me a bit cruel. I want to hear a good explanation as to why this is increasing at a double rate—why it has doubled since 1970. If it is because of the onerous provisions of the plan and the feeling that the public purse is being too gravely afflicted, then I think that is unacceptable, as de Gaulle said. I think that a revision of the whole position ought to take place.

If people again are being denied this fundamental right to appear in the courts on grounds of sheer fiscal impositions or what some call a ceiling imposed by the province, then we have with respect to that ceiling, as with respect to all others, a fundamental objection that governments exist to humanize and to meet the pressing needs of the multitudes of citizens. And if it opts out of that and poses artificial barriers, then it is reneging in its fundamental responsibility in the contemporary world.

All the money ensconced in Legal Aid is not all that great, as I have been pointing

out earlier here, particularly with the inflows from other sources, as to warrant that particular step—at least again at the present time. While the total number of people making application has increased year by year, it is not by all that measure. The first flood came at the beginning when people had long outstanding bitternesses and quarrels and for which they didn't have the wherewithal to present their case. So the flood came and then it ebbs a bit over against the initial full tide.

All I am asking for is greater humanity, a greater flexibility in the operation of the plan and for you not to be so damned afraid that an extra \$1 million may be involved in the process because that \$1 million in terms of well being is extremely well paid for and is the very justification for the plan. You don't have disgruntled citizens, at least on that level and for that cause, wandering around the Province of Ontario.

Mr. Chairman: Mrs. Campbell.

Mrs. Campbell: I just want to briefly touch on something I touched on before, and that is the application of legal aid to those persons who are forced to appear or feel justified in appearing before the welfare review board. I would like to see this extended to these people because it could be a way of opening up the board and the evidence that comes before it to enable people to have some jurisprudence develop in that particular area.

My other comment, I think I have already written to the minister, Mr. Chairman. I am not sure whether the mail gets through any more because of the problems, but I understand it is getting through the buildings here.

I find an increasing number—I think it is significant, having in mind the complexity of the problem; however, it may not be significant in terms of the total population—of new Canadians who have worked very hard and who feel that they have been virtually cheated by my profession. I am very jealous of that profession and I am concerned about the fact—at least, it seems to me—that justice has to be seen to be done.

In so many cases, the Law Society will not or does not take any action—and perhaps quite properly so—but it leaves the impression that there is a sort of a closed corporation, and sometimes in these cases there is grave difficulty in getting a certificate.

I have one case where the people concerned are trying to get to the Supreme Court of Canada, and from what I have seen—and I haven't examined as I would as a lawyer—

there seems to me to be ample reason why these people are very aggrieved.

I don't know how we can overcome this, but certainly I would not like my profession to get into the position that the medical profession was in and still is, I think, in giving the appearance of closing ranks when there is this kind of complaint.

Again, since the Law Society plays this dual role in these cases—the disciplinary role in the first place, and then is so involved in the Legal Aid Programme—I would draw it to the minister's attention and recommend that it be looked at, because it seems to me that there are more and more coming forward.

It may not be that they have been cheated. I am not making a judgement on it, because I haven't really had a chance to go into detail. But if they feel they have been cheated, it easily may be that they have misunderstood our proceedings or something of that nature. I am deeply concerned lest it appear that there is too much of an enclosed kind of approach to these problems.

Mr. Chairman: Shall item 1 of vote 1202 carry?

Mr. J. A. Renwick (Riverdale): Mr. Chairman.

Mr. Chairman: Mr. Renwick.

Mr. Renwick: I know you will excuse me, Mr. Chairman, if I am very brief, because I have got to go into the House to speak on the bill which is before the House.

There are just four items, and I note that the transcript of the proceedings will go to the task force. I might say in parentheses that it is impossible for the member for Lakeshore and I to attend before every task force that the government appoints and to which we are invited to make submissions.

The four points I want to make are, first of all, assuming the eligibility on a financial needs basis of a person to obtain a legal aid certificate, I want to reinforce what my colleague says: I get the impression that there are areas being exercised within the judicial district of York legal aid office of a decision with respect to the need to issue the certificate, which I think has got to be subject to a better review than it is at the present time.

I think that's one matter that the task force is going to have to look into in terms of the method by which the decisions are made where a person otherwise entitled is refused a legal aid certificate.

The second area where I think the Act has got to be amended is to extend the area

where a person is entitled as of right to a certificate to include a number of areas where at the present time, the Act simply provides for discretion within the director to decide to issue or not to issue a legal aid certificate.

The third area relates to a matter which is referred to in this year's report and which is a problem. That is group representation at various levels, not just group representation where the rules under the Judicature Act permit representation in a class action, and not necessarily—although this is a problem—the question of representation before particular administrative tribunals of one kind or another; but representation with respect to looking into area problems of one kind or another. Let me simply list them.

I don't want to suggest for a moment that there is any simple way of deciding how the representation is to take place, the extent and degree to which the citizens who are involved in the area should bear the cost, and the extent to which the province as a whole should bear the cost.

The area problems vary from the kind of problem that existed on one street in my riding, where a particular owner of a house—where the houses are relatively close together—had some 38 or 40 dogs. It took people on the street an immense amount of time trying to find out whether or not there were bylaws through the municipal Department of Health, through the zoning bylaws, through the Humane Society and so on, by which it would be possible to eliminate what was obviously a nuisance in the area. Anyone on the street would have recognized that it was a nuisance. It was an interminable amount of time and I think time could have been shortened considerably if the people on the street could have obtained readily and quickly a legal aid certificate. Then they could have gone to a lawyer who could have looked into the steps which should be taken in order to achieve the kind of solution to the problem which they wanted to achieve.

We could move from that point to the problem of a dairy, such as Valley View dairy, which existed on Pape Ave. in Toronto for a long time but which was a non-conforming use. It caused an immense amount of time and consideration in order to decide whether there were any legal remedies available, as well as the preparation of any number of briefs to city council, in order to try to solve the problem. Ultimately it was solved because the city agreed and negotiated the purchase of it and the problem will disappear.

A third question was with respect to the problems created by the zoning decisions

respecting the old Consolidated Bathurst plant and the intrusion into the area of a shopping plaza. There was an immense number of specifically legal problems which affected a relatively large area. In addition to that, there were problems related to whether or not the Scarborough Expressway is going to go through Riverdale riding and other concerns which the area is legitimately entitled to express.

Nobody has found the method by which you collect the funds so that they can have legal representation in order to put their views before the various groups which do meet. You must bear in mind that lawyers earn their living by word of mouth and other people who earn their livings in other ways, are not necessarily articulate in putting together the kinds of presentations which are necessary for any number of bodies at the municipal level with respect to decisions which are going to affect the life of the area.

Of course, as a last example there is the whole question of the problems involved with the environment, complex in many ways as they are, affecting a variety of interests, and particularly the area concerned when you have questions related to air pollution in a plant like Canada Metal; and whether or not the people in the immediately adjacent area, in the light of the information available to them, should have their interests somewhat more adequately represented at various levels when city council is considering it, when the Department of Health is considering it and when the ministry is considering it.

I simply mention those as examples of the immense problems involved in deciding to what extent the Legal Aid Plan is going to be involved in that kind of area representation throughout the province on that kind of problem.

The fourth area, which is the last area on which I want to comment, is—and I use WoodGreen Community Centre only as an example because they do not have a policy or a position on the matter—WoodGreen Community Centre, identical with other community centres, provides a broad range of specialist services of one kind or another within the staff organization of that centre, whether it is in terms of community work, social work, sociologists, other types of specialties that are involved in the provision of a broad range of community services.

They cannot afford to hire a lawyer unless they get outside funding, and there is no way under the Legal Aid Plan that they can add the additional skill of a lawyer in a particular field to the broad range of community

services that they want to provide, because that lawyer must individually bill the Legal Aid Plan for the services which he renders and deal with it almost on a one-to-one basis.

This verges upon this group representation problem, but it seems to me, and in discussing it with people at WoodGreen Community Centre, that the Parkdale legal aid system has solved the problem, not through the Parkdale Legal Aid Service billing the Legal Aid Plan and being paid and then paying a lawyer a salary on a contractual basis, but by getting outside funding, I believe from the Ford Foundation in some instances and from the federal government and so on, in order to fund and to provide the funds which will permit them to hire a lawyer on a contractual basis.

It seems to me that somehow or other it should be possible for a centre like WoodGreen Community Centre to have a lawyer on a contractual basis on the staff, to have him deal with the Legal Aid Plan, but to have the fee or whatever amount of money is to be paid for the services which are rendered, or a contractual arrangement, entered into by a community centre with the Legal Aid Plan to pay them so much a month to support the community centre in providing the additional services of the lawyer for that community operation.

Somewhere in the last two matters which I have covered seems to me to be at least the germ of a solution to the problem. But I really do not think that a community centre can limp along on the basis of volunteer lawyers appearing one or two nights a week in order to deal with the number of people and the number of specific problems which come into the centre. I want to emphasize that when I say "problems," I am talking about people coming once and maybe twice, not continuing to come for the purpose of a complete solution to their problem, because usually the lawyer involved can give the advice or can give the assistance and direct them where they should go to get their problem solved.

Those particular points are of concern to me under the Legal Aid Plan, and if the transcript goes to the task force, I would hope that they would give consideration to those four areas of concern that I have about the plan. Thank you.

**Mr. Chairman:** Thank you, Mr. Renwick. Further comments? Mr. Lawlor.

**Mr. Lawlor:** Well, let's go on to another element I'd like to explore for a few moments.

**Mr. MacBeth:** Mr. Chairman, are we still talking on Legal Aid?

**Mr. Lawlor:** Oh yes.

**Mr. MacBeth:** Because I'd like to make one more comment.

**Mr. Chairman:** Yes.

**Mr. Lawlor:** Well, I have a little bit left, Mr. Chairman.

On page 7 of this year's report from the Law Society, there is at the bottom of the page:

'Administrative expenses, including salaries, office rent, data processing and others detailed in Appendix B totalling \$2,560,153. Administrative expenses are increasing from year to year primarily due to rising personnel costs. Nevertheless, as the following pages indicate, these expenses express a percentage of the total plan payments.

I wonder whether the task force might not look into the fact that surely those administrative expenses as a percentage of the total amount of money expended on legal aid are very high indeed. Now it may be that you can make a good case that this has to be so. If you look at the Law Reform Commission report again, they want permanent, full-time area directors, not part-time charitable contributions by members of the profession, and that is going to increase the costs again from an administrative point of view.

It may increase the costs again. Then again, by way of its purview and what a full-time director can do in weeding out dislocations and money spent with abandonment in the plan, can actually save expenses and might even be able to pay their own salaries.

Let us look for a moment at page 19, arising out of that comment. I look at consulting services again in the appendix B as one item which I put a question mark against. Tracing and collection costs—out of that, \$35,692. Do they engage outside collection agencies? And if they engage outside collection people, do they pay them the usual percentages—which are substantial usually? If somebody owes me a bill and I place it in collection, I lose 60 per cent of the amount of money in the process.

Then, assistance to student legal aid societies—I'd like a brief comment on that. I understand they do good works—\$54,000 is involved there. To whom is it paid? Would you give me a bit of a breakdown on that as to the various student legal aid societies and the amounts involved? Is it because of their appearances primarily in the small claims

court, in which they do yeoman service? I suppose they are the primary people going before those courts; not the profession generally, but the law students in order to gain some kind of a working knowledge. Those are items, generally, that I see.

If you had any other scheme in the province where the administrative costs were such a devastating proportion of the overall outgo—the overall outgo I haven't sat down and added up, but I suppose if you take this sum off it would be something next year of about \$11 million or \$12 million; and the balance is money which goes to make the plan work.

Now, is there any possibilities of making alterations there, or is that something we simply have to accept if we are going to have this scheme at all?

**Mr. Chairman:** Mr. Minister.

**Hon. Mr. Welch:** Mr. Chairman, I am advised that in response to the first question—the tracing and collection costs—that outside agencies are in fact used for this particular purpose at an agreed upon tariff.

**Mr. Lawlor:** Do you know what that agreed upon tariff is?

**Hon. Mr. Welch:** I would have to give you the particulars. I would be very glad to see that the member gets that information as to what the arrangements are with these agencies.

**Mr. Lawlor:** Yes.

**Hon. Mr. Welch:** I am advised that assistance to student legal aid societies is, in fact, the sum of money which is divided among the various law schools which are part of university campuses and based on their enrolments—and it varies according to the enrolment.

**Mr. Lawlor:** Where does it go? Into the hands and the pockets of the students themselves who do the representing? Or into some kind of a fund? And how is it used?

**Hon. Mr. Welch:** I think perhaps Mr. Pukacz—would you like to explain this?

**Mr. Pukacz:** This money is distributed among student societies of various law schools. Each law school has a kind of student legal aid plan and they have a grant. I think it comes to about \$8,000 for each one for that particular year.

**Hon. Mr. Welch:** Mr. Lawlor's question was do the students themselves benefit from this, or is this just the cost of administering the plan?

**Mr. Pukacz:** This is only the cost of administering.

**Mr. Chairman:** Mr. MacBeth.

**Mr. Lawlor:** Wait a minute, I haven't finished.

How about the consulting services? I know they are small but—

**Hon. Mr. Welch:** There is \$10,000 in this appendix B for consulting services and this would—have you something?

**Mr. Pukacz:** This \$10,000 was used for—they had to leave the existing accommodations and they had to find some proper way of finding new accommodation for the head office, and they employed a consultant on accommodations. I don't know whether it was the actual cost.

**Mr. Lawlor:** A real estate agent of some kind?

**Mr. Pukacz:** It was an engineer.

**Mr. Lawlor:** Who?

**Mr. Pukacz:** It was an engineer.

**Mr. Lawlor:** An engineer?

**Mr. Pukacz:** It was not a real estate agent.

**Mr. Lawlor:** To find accommodation for some—

**Mr. Pukacz:** No, to develop what would be the cheapest way of using accommodation for the head office. He planned the whole accommodation. Eventually they moved to—

**Mr. Lawlor:** In government services you just might have some people—

**Mrs. Campbell:** Heaven forbid.

**Mr. Pukacz:** They are independent. We have no influence.

**Hon. Mr. Welch:** They are used by the Law Society.

**Mr. Lawlor:** I appreciate it; the auspices of government are lying fallow and I would direct their attention to—

**Mr. Pukacz:** As a matter of fact, before the government approved the new accommodation, the report was verified by Government Services.

**Mr. Lawlor:** Well, I wouldn't doubt that. That doesn't help—

**Mr. Chairman:** It certainly clinches it.

**Mr. Lawlor:** I have just one final comment for the record. I think that this task force should look profoundly into the very great—I won't say excessive—administrative costs and the percentage of those costs to the total outlay in the plan with a view to trying to do something to cut those back.

**Mr. Chairman:** Mr. MacBeth.

**Mr. MacBeth:** Mr. Chairman, a short while ago, I was mentioning one or two places where I thought we were perhaps too generous in the Legal Aid scheme. Since this may be looked at by the task force, I would like to mention one place where I think we may be a little parsimonious. That is in connection with people who have established a little money in the bank and maybe own their own homes. Contrary to what Mr. Lawlor said, I don't think the scheme is available to millionaires. There is a means test.

Even though they pass the means test, and may have a little money in the bank and a few assets now, these are people of modest means who work pretty hard and save a little. I think sometimes the Legal Aid scheme looks at the money they have in the bank and says, "You can afford to pay this yourself. We won't make you pay it all at once but we will take it from you gradually."

I don't know at the present time what that limit is but I think there are many deserving people who, because of the fact that they have money in the bank and are going to have to repay the scheme, probably back out of a possible litigation in which they have a just and good claim. I think the task force should look at the ceiling that they have and try to make the scheme more accessible to people of limited means.

**Hon. Mr. Welch:** I would just point out the fact that that's anticipated in the terms of reference as being item d.

**Mr. Chairman:** Shall item I carry?

**Mrs. Campbell:** I would like to have a comment.

**Mr. Ruston:** Mr. Chairman.

**Mr. Chairman:** Mr. Ruston.

**Mr. Ruston:** Mr. Chairman, I would just like to bring up one item or two. One was mentioned by Mr. MacBeth a while ago with regard to recidivism. Are there any restrictions or any structure to control this at all at the present time under the plan? If I am charged today and I use the Legal

Aid Plan and then use it in another six months and then in another year and a half, and so on, is there any type of control?

**Mr. Chairman:** Mr. Callaghan.

**Mr. Callaghan:** Recidivism itself would not be a reason for denying legal aid.

**Mr. Ruston:** I see.

**Mr. Callaghan:** Very often they are the people who need it most because they are going away for the longest time.

**Mr. Ruston:** I suppose the necessity for legal aid was brought on by the inability of the Law Society or the profession to carry out their duties to cover everyone. It would be comparable, I suppose, to Medicare where the doctors did it for years as a public service, and then when Medicare came along, it took it over.

I am concerned about professionalism and where it's heading. As the professions improve themselves, or in their mind improve themselves, and then in turn raise their fees for all their work, we then reduce the numbers of people able to purchase that service. If we keep going at the same rate that we are, we will probably have to have a professional aid plan for people wanting some form of engineering services. Maybe eventually, for all professions, there will have to be some form of aid to assist the low-income people.

I am concerned as to just where we are heading in that area. Does the Law Society feel in any way that the rates they charge in all areas have anything to do with causing some of the problems here? In other words, I wonder if they charge the proper rates for certain services, whether they would need so much assistance.

I have had people come to me regarding real estate matters, and say, "I have just had a mortgage rewritten on my property and was charged \$350 or \$400." They claim that the secretary typed up the agreement and the lawyer witnessed her signature, and they feel that \$400 is a high fee to pay.

I am concerned as to whether our legal profession has been quite as concerned about the public as they should have been. We have had to go into this matter, which I certainly agree is necessary, but what concerns me is that I am afraid we are going to keep excluding more people and having to expand our Legal Aid Plan that much more. I just can't see it dropping. I imagine we are going to have to expand it more each year

as our professional costs go up. This is what concerns me more than anything.

I know it is not something that really can be answered, Mr. Chairman. It is just a concern I have about where we are going with regard to professionalism and how many people are going to be excluded from using these people as we keep going.

**Hon. Mr. Welch:** Well, Mr. Chairman, just one or two brief comments. I appreciate the comments of the hon. member. But the eligibility for legal aid, of course, depends on other circumstances than the cost of the particular service. The criteria for eligibility are based on income and the system of making those particular calculations.

If a person is eligible for legal aid, then of course the certificate is issued and the solicitor is paid according to a provincial tariff, but he only gets 75 per cent of that tariff. So there is that regulation with respect to those costs for those who are eligible. I repeat again that eligibility has nothing to do with the cost of the service, but rather the ability of the person, in the first place, to pay for legal aid.

Thirdly, although I am not here to defend any particular profession, of course, the legal profession's accounts can always be taken to a taxing officer of the Supreme Court, which I think is of some interest. Also, I would draw the hon. member's attention to the recently tabled report of the Ontario Law Reform Commission on the Solicitors Act, which addresses itself to that particular area too.

However, the hon. member invites us really to consider, as he points out, a much broader question as to certain professional groups establishing fees that make it difficult for the public to have access to that particular service. I think that this programme, of course, has been devised in order to ensure, with some degree of equity, that people do have access to legal services in order to have their position properly adjudicated.

**Mr. Chairman:** Further comments?

**Mrs. Campbell:** I don't think the minister has replied to my first assertion, and I want to know whether he is prepared now to modify the chain of command, if you like, in the administrative section, particularly as it applies to judges in the courts, and whether there can be developed some sort of a co-operative approach, rather than having directives issued with very little and often no explanation, placing a judge, as has been done in the past, in a pretty intolerable and invidious position.

Is there going to be any reorganization so that the judges—I know that Mr. Callaghan has said that he will be more available, but I would like to be assured that there will be a better relationship between the Attorney General and his deputy and the judges so that they are not screened through an administrative group which very often succeeds in not permitting the matter to get to you in the final analysis.

**Hon. Mr. Welch:** I think perhaps, Mr. Chairman, I would say this, without commenting on the merits of the particular case or the suggestions with respect to communications, it may be sufficient to say at this stage that the question of access to a minister of the Crown is one that I consider a very important matter for consideration and certainly one which I would hope to translate in some meaningful way to ensure that there would be nothing to impede what would be considered to be in the public interest in that regard. I don't know of any problems along this particular line. I must say I am assuming this responsibility, but certainly—

**Mrs. Campbell:** I can't say whether there are now. There have been in the past and I just wanted to be on record on that matter.

**Mr. Chairman:** Does item 1 carry?

**Mr. Lawlor:** No, Mr. Chairman.

**Mr. Chairman:** Do you have an interjection, Mr. Lawlor?

**Mr. Lawlor:** Oh two or three.

**Mrs. Campbell:** He has his coat off.

**Mr. Chairman:** We want full discussion with the minister mentioned, but—

**Mr. Lawlor:** I wanted to thank the minister, as a moment of comic relief, if I may, for the excellent information he gave this committee this year on page 12 of his red book with respect to filing cabinets.

**Hon. Mr. Welch:** I didn't want to leave anything out.

**Mr. Lawlor:** Oh certainly not.

**Hon. Mr. Welch:** No closed drawers or no closed doors.

**Mr. Lawlor:** I went over that with great care. I went over the filing cabinet situation as to the switching around, literally for hours, and I came up completely satisfied and so I will pass over that. The other area I wanted to get into would be—what will I do with all

this stuff? Hansard can delete the last comment—the Hamilton project.

**Hon. Mr. Welch:** Yes, sir.

**Mr. Lawlor:** Page 10.

**Hon. Mr. Welch:** Yes, sir.

**Mr. Lawlor:** All to the good, hurray, congratulations, affirmative as blazes. Prof. Zemans and the York law school group have had a kind of a running quarrel, I would think is a good way to describe it, with the Law Society, which is working on primarily the same principle with a good area of self-determination inside as to the aid that they give, the determination that they will give, the advice and so on, and clear the decks, which is partially the Hamilton plan, taken together with the second aspect of the plan which works in extremely well with the various nostrums given by the commission as to the family courts. In other words, in terms of the amplitude, the range of services, that are available to people coming into these drop-in centres which are an increasing phenomenon around the province. I attribute it to Fred Zemans basically because he has worked very hard on it and came up against numerous obstacles in the past.

Has that been ironed out largely? Is that running fairly smoothly or are there still points of difference between what the York law school people are trying to do and what the Law Society sees desirable?

**Mr. Pukacz:** That was one of the things that the task force was appointed to look into, especially the centres for legal advice in the communities. We hope to have very substantial reports from the task force on this subject because it is especially looking into it.

**Hon. Mr. Welch:** It is my understanding, Mr. Chairman, that Prof. Zemans has already appeared before the task force and made some representations with respect to that matter.

**Mr. Lawlor:** I see. To your knowledge, sitting here at this moment, is that running fairly smoothly?

**Hon. Mr. Welch:** I have no evidence to suggest that it's not, but perhaps my advisers can add to that.

**Mr. Callaghan:** I think the Hamilton project has been quite successful. I thought we had the figures as to what they have done on that project.

During the 10 months of operation they

had approximately 1,000 legal problems. They processed all kinds of problems which would have been deterred, they think, by the normal certificate procedure. The vast majority of matters handled required only oral evidence—not oral evidence, oral advice—in 63 per cent of the cases. In 14 per cent of the cases they had summary legal assistance.

**Mr. Lawlor:** That was a slip of the tongue? Evidence? Go ahead.

**Hon. Mr. Welch:** Spoken as a lawyer.

**Mr. Lawlor:** Spoken as a deputy. He's always in front of a court.

**Mr. Callaghan:** That's the experience. I think the Hamilton project experience has gone to demonstrate one thing which the legal aid committee made eminently clear to the minister recently, that there has to be extensive co-operation between complementary social services in the provision of this type of legal advice.

**An hon. member:** It's very important.

**Mr. Callaghan:** This is one of the areas they hope they can work out. I know the Law Society is working hard on it. As the minister said, Prof. Zemans has made his presentation on it to the task force and the Law Society, I understand, will also be making a presentation to the task force on this particular type of method of handling the problem.

**Hon. Mr. Welch:** I think they've released their report.

**Mr. Lawlor:** I want to take this occasion to commend the Law Society overall with respect to the development of this plan. It's experimental in a sense of ongoing development and accommodation to the community and adjustment so they're always probing and always moving in, and that maintains the vitality of the plan better than anything else to meet the ongoing needs. Under that particular head are my next two questions. One has to do with the Psychiatric Hospital Patients' Welfare Association. In that regard, the report says on page 13:

They include administrators from two psychiatric institutions, representatives of the Department of Health, civil duty counsel and other lawyers with current experience in advising patients at such institutions as to what their rights are.

That's been a great hiatus in our law. People are incarcerated, in effect jailed, in mental institutions in this province, particularly having been certified by a couple of doctors.

They remain in limbo, floating for the rest of their lives, apparently, in some cases without proper review procedures; without being informed of their rights; without being able to make real supplication with respect to getting out of those institutions.

If they're not let out at a certain vital time then they do, because of the environmental pressures around them, become mentally ill people.

If you lived in such an institution for any length of time, particularly if you were getting well or were sufficiently well to be removed from there, but nevertheless were forced to remain, the anguishing effects, the alienation would cause alienation within a very short time and you would become certifiably mentally ill. It happens all the time, I suspect, inside our mental institutions. We have been weak in that particular regard, negligent about these people who can't speak for themselves. They are, ipso facto, from the word go—

**Mrs. Campbell:** Precisely.

**Mr. Lawlor:**—deemed incapable of speaking for themselves and the penetration by the law, by the Legal Aid, into this particular area performs a vital and valuable need. They go on to say that the committee met with other people, and "A report with recommendations was forwarded to the Attorney General in May. In August, the Attorney General asked for and was eventually given a supplementary report."

My question at the edge of the page is, "Yes? What about it?"

**Hon. Mr. Welch:** Mr. Chairman, I'm glad the hon. member raised this question because less than a month ago a meeting was held between the officials of the Ministry of Health and my ministry and the final details of these proposed claims were worked out. I'll just show how we see this developing along these lines and also the interim steps.

First of all, these details include the establishment of the clinics manned by duty counsel at 15 psychiatric facilities in the province, operated by the Ministry of Health, for a six-month trial period to see how they work out. They will be held twice a month. That is, the clinics will be held twice a month on a regular basis. The details are to be worked out, of course, between the local hospital and the local officials of the Legal Aid Plan in the area where the facility is located.

The Law Society is immediately proceeding with the selection of lawyers to man these clinics. The lawyers will be given a special

training programme in conjunction with the local bar association so that any lawyer participating in the programme is familiar, as I'm advised, not only with the substantive law but also with the procedures at the particular hospital. But until these clinics are formally established, which is expected to be in late May or June, arrangements will be made on an interim basis between the hospital administrator and the local area director of legal aid for the provision of legal services on an ad hoc basis to patients who require and request this service.

Then, finally, the solicitors who represent the patients will have full access to the patients' hospital records, where it is necessary for the representation of the patient. I think that was really, as I am advised by my deputy, one of the problems in this whole matter—that was access to that type of information, which we considered to be very important to properly represent the patient.

Service will, of course, also be provided to residents of the mental retardation units operated by the Ministry of Community and Social Services—that is being transferred over, as you know—which are associated with the psychiatric facilities. During the course of this six-month experimentation, through the pilot project, consideration will be given to the establishment of similar clinics for the other mental retardation centres, as well as for the other psychiatric facilities covered in this initial plan.

**Mr. Lawlor:** Yes. Excellent.

**Mrs. Campbell:** Could I—are you planning on continuing?

**Mr. Lawlor:** Just one thing on this, just a sage word of advice. There is a rather leprechaun doctor—when you are wearing your other toque, you know, as the policy minister, you just might of a Sunday afternoon take a look at the writings of Dr. Thomas Szasz of New York state. He appeared on William Buckley's programme the other day, and he has written a great deal. He has written a book called the "Myth of Mental Illness." But he is particularly concerned with the civil libertarian aspects of these quasi penal institutions. I think it has a good deal of validity, not only in the states, but here in Ontario, too. And as I say, for what it is worth, Szasz is something of an authority in this field and the only one I know who is really pressing to have fundamental changes made in the law with respect to the incarceration of so-called mentally ill people. That's all I want to say about that.

**Mrs. Campbell:** Could I ask one question flowing from that? I have to give an illustration to see how this is going to function. I had occasion recently to call a hospital in Toronto with reference to a person who had been picked up by the police, rushed in an ambulance down to this particular facility, and was certified. She had no way of getting out to people except that she did manage to get to me through a friend. And in this particular case when I talked to one of the doctors, the doctor suggested that she was very talkative and her clothes were rather bizarre. I therefore invited the doctor to come to the House where perhaps he could find any number of us who fitted that description.

But now if these Legal Aid people are not going to be there more often than you suggest, how long would she be there in that case before she could get access? Secondly, how is the patient to be advised? Is the patient to be advised of the fact that this is available as a service by Legal Aid or by the legal group, or by the medical group? Because I have great concern unless it would be that the legal group had access to the patient to advise them of the availability of this service.

**Hon. Mr. Welch:** I think that is a very reasonable question. The hospital itself advises the legal aid groups with respect to the admission and then—

**Mrs. Campbell:** Every admission?

**Hon. Mr. Welch:** In those cases where the patient requests legal support.

**Mrs. Campbell:** Yes, but how are they going to know that it is available?

**Hon. Mr. Welch:** Well there will be publications available in the hospitals.

**Mrs. Campbell:** Yes, but that doesn't serve. Surely it has to be a Legal Aid person who has the right to speak to every patient in the facility to advise them personally?

**Hon. Mr. Welch:** I will take that up with those who are working on the procedure. I think the point you raise is a very good one.

**Mrs. Campbell:** And what about the case where the patient is claiming to have been injured in the facility itself? How is that information going to get to the legal advisers?

**Hon. Mr. Welch:** If you leave those questions with me I will see that those points are raised with those who are responsible.

**Mrs. Campbell:** Thank you.

**Mr. Chairman:** Would you continue, Mr. Lawlor? That is not a command; that is an invitation if you wish.

**Mr. Lawlor:** The bell is ringing; we'll have to leave fairly soon. The other aspect on the extended provision of services that I commended the Law Society on, is the night duty counsel idea. I take it that they are having difficulties?

**Hon. Mr. Welch:** So I understand.

**Mr. Lawlor:** Could you give me a bit of an idea of what those difficulties consist of?

**Hon. Mr. Welch:** I think most of the difficulties among any of any significance are, I'm advised, in the actual police station itself.

**Mr. Lawlor:** Why?

**Hon. Mr. Welch:** Would you care to explain that, Mr. Callaghan?

**Mr. Callaghan:** The night duty counsel seems to be operating quite well, except you do have the natural hesitancy on the part of certain police agencies to advise the accused that they can make a phone call directly to the night duty counsel. But that is just a question of education and time, and I'm sure that will be worked out.

**Mr. Lawlor:** And as far as you know the Legal Aid people did give a directive to the various police stations?

**Mr. Callaghan:** That has been done. Every police station, every lockup, every jail has the pamphlet of Legal Aid indicating that they will donate this service, and in some cases it is on the wall.

**Mr. Lawlor:** Have the responsible officers, the sergeants or inspectors in charge, been abundantly informed that this is available? Many prisoners are in a state of shock when they arrive there. They are not going to sit down reading any Legal Aid pamphlet.

**Mr. Chairman:** Is that right well advertised?

**Mr. Callaghan:** I expect, from what I've seen anyway, it is well advertised. I assume that all senior officers are in good faith attempting to advise the other officers of the necessity for letting the people know of the availability of that service.

**Mr. Lawlor:** Your extreme goodwill, Mr. Deputy, is neither here nor there. Would you do something to make damned sure that this is the case—

**Hon. Mr. Welch:** We are satisfied ourselves.

**Mr. Lawlor:** No, you satisfy me next year that this has been done.

**Mr. Callaghan:** Within the limits of whatever we can do we will do, and it's very important that it be done.

**Mr. Lawlor:** Well, you can give a directive or you can make clear by way of consultation with the law society that this is abundantly available.

**Mr. Callaghan:** I think, Mr. Lawlor, the law society has gone to great lengths to make sure it is available and has put a great effort into this.

**Mr. Lawlor:** All right.

**Mr. Callaghan:** I don't think any failure rests there.

**Mr. Lawlor:** That's fine. Just let me refer to one thing that puzzles me. At the back, on the very last page of your red book, on page 75—this has to do with revenue to the department—there is an item called "reimbursement." There is reimbursement from the accountant, the official guardian, etc., and then Legal Aid. The reimbursement of 1973-1974 is \$978,000, and then it goes to \$3,970,000. Is that the federal money or what is that?

**Mr. Pukacz:** No, that is the federal government subsidy as a result of the recent agreement.

**Mr. Lawlor:** Oh yes, that is the \$4 million item we keep on talking about. All right.

The next item has to do with provisional certificates. Provisional certificates have been falling off monumentally throughout the length of the plan. In 1968 there were 9,500 and this year there are 1,400—or last year rather. What is happening there?

**Mr. Callaghan:** The actual system of provisional certificates is being phased out. With the development of the type of Hamilton project that you have and the legal advice assistance plans that are under study, the provisional certificate is something that the legal aid committee has concluded can be phased out. That really is the reason for the reduction in those certificates.

**Mr. Lawlor:** We are coming to the end, Mr. Chairman. On the Law Foundation, has the interest rate been set at three per cent on solicitors' accounts?

**Mr. Pukacz:** As far as solicitors' accounts are concerned, the agreement between the bank and ourselves is that they will pay us the interest payable by them from chequing savings accounts which is three per cent and up, and up to 5.25 per cent by various trust companies. Banks keep within three per cent to 3.15 per cent. We have no right to legislate an interest, so we have to make agreements.

**Mr. Lawlor:** The theory is that each individual solicitor will go to see his bank manager and arrange for the best rate of interest he can get. Is that what it comes to?

**Mr. Pukacz:** The interest rate was settled by the head office with their banks. They agreed to pay every time they ran chequing savings accounts at that rate.

**Mr. Lawlor:** At three per cent?

**Mr. Pukacz:** From three per cent up to 5.25 per cent.

**Mr. Lawlor:** At the current percentage rate?

**Mr. Pukacz:** That is right.

**Mr. Lawlor:** On the very last item, it is a tricky business and I hope you are considering an alteration in the regulation or possibly in the Act itself with respect to the ongoing quarrel between the taxing officers of Ontario and the legal accounts officers. They take the 75 per cent of the solicitors' accounts on different bases. There is a note A appended to the regulation which gives a certain ambit of discretion into the hands of the taxing officers. The accounts officers set the fees at a certain figure. The solicitor takes it over to the accounts officer and he resets it at a different figure.

Cannot that ambiguity be resolved pretty easily and pretty quickly? Why should you let that type of quarrel go on?

**Mr. Callaghan:** The final distribution of those disputes rests with the taxing officer under the Judicature Act. We recognize that there is some difference and we will draw it to the attention of the Law Society so that they can discuss it with the legal accounts officer. The taxing officer acts in a judicial capacity in these circumstances and he does actually have the final say on it. We recognize the problem. It is a question of getting two differing views of the single matter together and resolving it.

**Mr. Lawlor:** This occupies many pages of this report. The various decisions are set out and the querulousness involved.

**Mr. Callaghan:** Well, you can get that in any area of law.

**Mr. Lawlor:** Come on! You don't subsidize it by writing it right into your regulations and generating an unnecessary quarrel. That is what you have done through an oversight, no doubt, but nevertheless that is the way it is. I think I have pretty well finished. I would ask the task force to take this matter into account too.

**Hon. Mr. Welch:** Yes. It will be drawn to their attention.

**Mr. Lawlor:** Just as a final word on this, at page 129 the commission says:

Unfortunately the development of the plan [in this gross remuneration] in this respect has been characterized by progressive withdrawal from the principles advanced by the joint committee.

They find that there are some aspects of the plan declining from its original vision and from its qualities of idealism that originated it. A certain suspiciousness has entered into the thing as to lawyers prolonging cases, and taking appeals. They want to bring to bear upon the profession a greater sense of urgency and conscience in regard to the conduct of the matters that are before them.

It was mentioned by Mr. MacBeth earlier that apparently with nothing to lose, so to speak, the lawyers take some of these on a test case basis which is inadmissible under the plan. There is a tendency to prolong hearings and even to launch into unnecessary proceedings. They say that a very grave responsibility rests on the individual members of the profession, because in the original clearance of the certificate not all that care can be, or is being, taken with respect to the very merits of the action. Only the solicitor involved in the proceedings knows from time to time during its development precisely what the score is with his client, both with respect to the procedural aspects and with respect to the alteration of monetary circumstances of that client.

This is not pervasive of the profession, the knowledge of where the responsibility lies. I think that most lawyers think it lies with the initial certification, and from then on it's a free ball game. But it isn't, and it ought not to be. Why it hasn't penetrated the consciousness of the operating member bypasses me slightly, but that is the chief gravamen of the report of the commission as to the malfunctionings, such as they are, of the operation of the plan at this time.

I think they have gone to considerable lengths in trying to penetrate that consciousness and to enliven it as to its responsibility, but that is an ongoing job and it mustn't be abandoned in any way. As a matter of fact, in the next following years it must be reinforced and a precise statement, perhaps in the Law Society's newsletter—and I've never seen one in this particular form—should be brought to bear upon the profession as a whole as to the precise responsibilities of what certification really means, to give this plan more growth and a better life cycle than it would otherwise have if it is going to be played with to some extent. That will remove that particular animus and that particular viciousness that could be written into the plan. That is my final word this year on legal aid.

**Mr. Chairman:** Thank you, Mr. Lawlor. Does item 1 of vote 1202 carry?

Agreed.

**Mr. Chairman:** Any comments on item 2?

**Mr. Lawlor:** On item 2, I have a point of puzzlement again. Looking at volume 3 of the public accounts for 1971-1972—the latest we've got—first of all, there's the minister's salary; then, under that, payments under the Audit Act of \$34,000 to Milligan and Graham in trust. What's that? Is that involved in this item? Whether or not it is—

**Mr. Chairman:** Is that under item 2, Mr. Lawlor?

**Mr. Lawlor:** Under financial management. It's not mentioned as such, but there is this item under the Audit Act, which seems to me would fall within these estimates.

**Mr. Callaghan:** Those payments are made pursuant to provisions of the Audit Act. They are special payments made to police forces from time to time to assist them in investigations. They're made pursuant to section 9, I think, of the Audit Act.

**Mr. Lawlor:** Oh, this is what's called the informers' dough.

**Mr. Callaghan:** That's right. But that item is now in the Solicitor General's estimates, and they deal with it.

**Mr. Lawlor:** Oh, is it? I'm sorry.

I looked at the compassionate allowances for this year; they are fairly negligible and they seem to be completely in order. Apart from that, I have no great kicks about the financial management.

Mr. Chairman: Mrs. Campbell.

Mrs. Campbell: No, I have nothing.

Mr. Chairman: Item 2 carried?

Agreed.

Mr. Chairman: Anything on item 3?

Mr. Lawlor: Under management audit, there is this piquant article of two licence suspension control officers, with a director responsible for the supervision and monitoring of the driver licence suspension system for the non-payment of fines. How long has this department been responsible for that particular function?

Mr. Pukacz: Since April 1 of last year.

Mr. Callaghan: That's a method we have of auditing those drivers who haven't paid their fines and whose licences are about to be suspended pursuant to the provisions of the Highway Traffic Act.

There has to be a very careful monitoring of the individual to ensure that you're getting the right individual. We've undertaken the responsibility in our ministry to effect that monitoring because the Ministry of Transportation and Communications weren't too enamoured of it.

So we've had to go through the procedures of actually monitoring and controlling the flow of documentation to ensure that the person whose licence is in fact suspended is the one who was in fact the victim.

Mr. Lawlor: What is this machinery that you use to perform that curious task?

Mr. Callaghan: It's not very automated. It's fingers and eyes and hands of people—

Hon. Mr. Welch: And pencils.

Mr. Lawlor: No fingerprints?

Mr. Callaghan: That's right. They go through a great number of cards and indexes. They maintain it in our ministry, and so far we have not taken the licence from the wrong person and we hope we never do. We'll certainly try not to.

Mr. Lawlor: You're doing all right, though, in terms of getting dough in. Well, you're doing not too badly.

Mr. Callaghan: I don't think we'll ever collect the total backlog, because we can't find the people, but what we do, I think, is collect some considerable sum of outstand-

ing fines. I think that on the Ministry of Transportation and Communications' programme of renewing licences every three years, it will become more effective when the person goes up for renewal; there'll be a notation against his licence that the fine is outstanding, at which time he'll pay the fine. And they have agreed to collect that, because there is not much difficulty in that.

Mr. Lawlor: Oh, I see.

Mr. Callaghan: They'll collect it then and it should be effective. A great number of the outstanding fines, of course, are the result of warrants that have never been executed and cannot be executed at this stage because we can't find the people.

Mr. Chairman: Mrs. Campbell.

Mr. Lawlor: Well, let me just finish this one.

Mr. Chairman: Oh, I'm sorry.

Mr. Lawlor: There was \$400,000 outstanding at the beginning of the year. The moneys that were paid in—it was \$109,000—and there is \$290,000 still picking around somewhere.

Mr. Callaghan: Yes.

Mr. Lawlor: Yes. You gave me an indication that the Ministry of Transportation and Communications didn't want to handle it themselves; but are they highly co-operative with respect to your people?

Mr. Callaghan: Oh, yes, they are.

Mr. Lawlor: They check the files, and other things like that?

Mr. Callaghan: Yes, they are very co-operative. It was just that they felt that because this was a method of enforcement of court orders, that the responsibility for ensuring that the orders were properly processed and the orders were made against the right individuals should fall within our ministry and not theirs.

Mr. Lawlor: What do you send out? Is a registered letter to the individual involved, or is it done by police officers?

Mr. Callaghan: There is actually a notice of suspension that is forwarded to the individual. I thought that was described here. It is done by mail—one step above registered mail. I don't know what you'd call it now; but it ensures that you get it to the individual.

**Mrs. Campbell:** It had better be one step above registered mail right now!

**An hon. member:** Assured delivery mail.

**Hon. Mr. Welch:** Assured delivery mail.

**An hon. member:** It's not very effective right now.

**Hon. Mr. Welch:** All those boxes are sealed and it won't be.

**An hon. member:** Mr. Lawlor probably is convinced.

**Mr. Lawlor:** I take it that a certain number of days, 14 days or something like that, is allowed; they will be suspended in 14 days if they don't pay their fine. If you don't hear from them at all, do you suspend the licence—or do you not suspend the licence?

**Mr. Callaghan:** I have to check that. First, a warning goes out by notification; if there is no reply then—I just have to check on exactly what the next step is.

There has to be some further notification. I'll get to the answer on that. I want to be correct. I don't want to get that incorrectly.

**Mr. Lawlor:** At the end of the days, not having received any reply whatsoever from the individuals involved, do you suspend or not?

**Mr. Callaghan:** No, you see what happens then is an affidavit goes up. First off an order is made by a justice of the peace in court on the form, spelling it out that notification was made in accordance with the provisions—and I'll check the method of that notification. If the justice of the peace is satisfied the notification was made and there has been no reply, the justice of the peace then issues an order, which in turn is sent to Transportation and Communications. They, in turn, suspend the licence.

But that is mechanical. All the checking is done in our ministry to ensure that the individuals named are the individuals who in fact have not paid the fines. The notification is sent from our ministry to them that if they don't pay it, their licences will be suspended. The actual form of the notification and the method—I'll clear that up and let you know.

**Mr. Chairman:** Does item 3 carry?

**An hon. member:** That's right.

**Mr. Chairman:** Item 4.

**Mr. Lawlor:** When are we going up, Mr. Chairman?

**Mr. Chairman:** When the vote—did you have any comments on 4?

**Mr. Lawlor:** Yes, just a brief comment on 4.

**Mr. Chairman:** All right, go ahead.

**Mr. Lawlor:** On bilingual services—the development of bilingual services in judicial offices—what's the score on that?

**Hon. Mr. Welch:** Well, this is in response to the government's general statement with respect to bilingualism. We have had a person on contract to assist us in interpreting some of our needs in this area, and this will provide for a complement position as a co-ordinator to make sure that this ministry can, in fact, respond to the general policy on bilingualism.

**Mr. Lawlor:** There is only one person working in this particular field?

**Hon. Mr. Welch:** Yes.

**Mr. Chairman:** Does item 4 carry? That completes vote 1202 and we will rise now and attend the House for the vote.

Vote 1202 agreed to.

**Mrs. Campbell:** What time is it? Are we coming back?

**Hon. Mr. Welch:** Yes.

The committee reconvened at 5:21 o'clock, p.m.

On vote 1203:

**Mr. Lawlor:** Mr. Chairman.

**Mr. Chairman:** Mrs. Campbell had a few comments.

**Mr. Lawlor:** I will defer to you.

**Mrs. Campbell:** Thank you.

**Mr. Lawlor:** Any time. Not to the member for Downsview, but to you.

**Mrs. Campbell:** Thank you very much.

**Mr. V. M. Singer (Downsview):** I am hurt.

**Mrs. Campbell:** Mr. Chairman, when I look at the explanation of the function of the official guardian, there is where I begin to take my departure. There is nothing here

which gives to this particular official the right or the opportunity to act in a creative fashion, or to act as an ombudsman for children. It is in fact virtually an administrative function. For this reason, it seems to me that too often he is involved in matters where in essence he carries out the government position rather than taking a position on behalf of the children of this province.

I have already given one example. I'm not going to labour that one again because I understand Mr. Callaghan is going to give us some further information about that particular position. But I'm wondering, for instance, about the total picture of the awards system as it applies to children. I don't see him taking the initiative in coming forward—perhaps he does behind closed doors, when he has his discussions with this ministry—but there is nothing apparent that he is prepared to do to open up this capacity to make it meaningful in the protection of children and in the interests of children.

It is for this reason that I could not accept the suggestion of the Minister of Community and Social Services (Mr. Brunelle) that he be the one to determine whether or not an application should be made to the courts in cases of awards. Philosophically he ought to be the person to do this, but because he doesn't seem to recognize the need for someone to speak on behalf of children in a meaningful way, I can't really subscribe to it; nor can I see that by having him in charge, as it were, of guardians ad litem, in the courts, in divorce actions, I'm not sure that that will be anything other than a token sort of operation and this bothers me if we are going to go into this area. Certainly I hope we will.

I have not been in active practice now for some time and I don't really know what the social reports are like any more. But they used to be ghastly and had no possible relevancy to the needs of the child. They seemed to be simply a listing of facts as elicited in interviews, and one was left there with very little concern for anything other than the financial, economic or possibly physical welfare of a child. There was nothing to do with the child's emotional status or anything of this kind. I would very much like the minister to comment on this particular aspect.

I think the same statements apply also to the public trustee, but I think perhaps others may want to address themselves to the official guardian so I will not say anything more on that particular item.

**Mr. Chairman:** Mr. Minister, did you wish to respond now or did Mr. Lawlor have something along the same line?

**Mr. Lawlor:** Something different.

**Mr. Chairman:** Something different, Mr. Minister.

**Hon. Mr. Welch:** I think perhaps we might come back—

**Mr. Singer:** Before the minister gets into that, could I expand a bit on that?

**Mr. Chairman:** Mr. Singer.

**Mr. Singer:** As Mrs. Campbell was talking, I was thumbing again through this red book which was made available to us, and there are two matters here that catch my eye.

The official guardian acts as guardian ad litem in the interests of minors before the courts of law, and provides the courts with social reports under the Matrimonial Causes Act and the Infants Act, whenever the custody of children of the marriage and divorce or other proceedings has to be determined by the court.

The other comment, which is at the bottom of page 24, runs:

To summarize, there continues to be substantial increases in the number of new matters being dealt with in the matrimonial causes section of the office. It will be seen that, apart from the matrimonial causes section, the number of new matters [and the key phrase is] coming into the office remains more or less steady.

You take that first statement and the second one and put them together and it is obvious that over the years—and I have complained about this in the estimates for many years running—there is no initiative exercised by the official guardian whatsoever. He is concerned about matters that are before the courts. He was given, by statute, additional work to do by reason of the changes in the Divorce Act. He had no choice; he didn't seek that. He is obliged to do certain things that the Divorce Act specifies he does.

Insofar as matters coming into the office are concerned the fact that the figure remains more or less constant is really a condemnation of the efforts of that department because the population certainly hasn't remained more or less constant. The population has increased.

I guess we have to look back into why we have an official guardian. It goes back into the root of our old common law which, sub-

stantially, was directed toward the protection of property rights. Somewhere along the line, somebody came to the conclusion that infants, when they had property rights which were being questioned before the courts, had to be protected by a public official.

Our society today is far more complex. Infants have all sorts of interests that often shouldn't get before the courts at all and they have no one to act for them or to defend them or to take initiative on their behalf.

My point is this, and it is the member for St. George's point as well, is that surely there should be some initiative exercised, and it should be written into the statute. On many occasions in practice I have had to deal with this and on occasion I have been able to convince the official guardian that because of particular circumstances I presented to him he should intervene. It may be that I am persuasive but on occasion he has intervened at my suggestion but they do it with great reluctance. I don't blame the official guardian himself, either the previous occupant of the office, Mr. Winkler, or the present occupant, who is Mr. —

**Hon. Mr. Welch:** At present? Mr. Perry.

**Mr. Singer:** Mr. Perry? No, not Mr. Perry.

**Hon. Mr. Welch:** Mr. Henry.

**Mr. Singer:** Mr. Henry. Both are fine gentlemen and conscientious. Mr. Winkler did a conscientious job and Mr. Henry is doing a conscientious job. But when questioned about this kind of an approach they say, "The statute doesn't provide that we exercise any initiative. Our office has never exercised any initiative. We are not sure that that's our duty, to exercise initiative." Probably they are correct.

The official guardian is an official of the Province of Ontario and if we wish to change the direction in which he operates, it is up to the Province of Ontario to say so, and say so by a statute. That's the way we speak.

I think the time has come to have a pretty exhaustive look at what kind of role the official guardian should be performing in the province. I think it is going to take very little examination to come to the conclusion that the role should be much expanded. There are all sorts of infants in the Province of Ontario who need the protection of someone and who have no real capacity to figure out how they should be protected by themselves or by reason of their age disability—they are infants.

I am quite certain that even if we expand in the statute that kind of responsibility,

there are going to be cases that are going to be missed, but I would think some important amendments to the statute dealing with the official guardian could be made and redirect the efforts of that department.

On the question of family law there are recommendations relating to this where there are defaults in maintenance orders. Might it not be logical that an official like the official guardian—there is certainly a strong recommendation that it be a duty of the court to enforce this maintenance order. We have not quite arrived at that yet but I don't know quite how the court is going to do it.

Maybe we establish a new sub-branch of the administration of the family court. Wouldn't the official guardian be a logical person to act on behalf of infants who are not getting the moneys that they are entitled to, or on whose behalf money is not being paid under these orders issued by the family court? This is the sort of thing that, as I say, Mr. Chairman, I have raised year after year and no one disagrees violently with the proposal I put forward, but nodding in assent at the estimate committee really doesn't change the law or change the direction or thrust that the official guardian is supposed to take.

Similarly, the same remarks are equally true so far as the public trustee is concerned. He too feels confined by custom and confined by statute, and again I have no criticism of the various incumbents I have known in that office. They are fine people who do an honest and careful job. The problem of getting any public trustee or anyone acting on behalf of or in the name of the public trustee to exercise initiative to insert himself into an estate which is being badly abused is a very, very hard one. Our whole surrogate court procedure is so complex.

Let me give you an illustration: so far as the public trustee is concerned. I was retained by a beneficiary of an estate and the estate was being wasted—

**Mr. Lawlor:** Mr. Chairman, two points of order. We are not on the public trustee estimate at the moment.

**Mr. Singer:** They are combined together.

**Mr. Lawlor:** I don't know. They are taking these seriatim, one by one.

**Mr. Singer:** All right, if you want to come back to the public trustee—

**Mr. Lawlor:** The second point of order, which is far more important, is that we

haven't got a quorum, and I want to go on record. Where have these Conservative members gone to? There isn't a single one in the room. Surely there is some obligation on the part of the members of the government to provide adequate personnel for these hearings? It may be an aggravation to them. That is too damned bad. I find that I want to express my discontent.

**Mrs. Campbell:** Maybe we should ring the bells for another half hour or so to get them.

**Mr. Chairman:** I appreciate the member's fondness for the Conservatives and his wish that they be here, but they are not all absent. I want you to know that.

**Mr. Lawlor:** Well, I am not going to object to it on that basis, but you are going to have to get talking to your whip.

**Mr. Chairman:** I think the point that you are raising, Mr. Lawlor, was the fact that Mr. Singer was disgressing from the official guardian to the public trustee.

**Mr. Lawlor:** That is a very minor matter. I really wanted to get in on the other thing.

**Mr. Chairman:** Well, I appreciate your interest in that, in another vein of course, but I had asked the minister to comment on Mrs. Campbell's remarks and Mr. Singer had something along the same line to add before the minister responded. It was for that reason that I asked Mr. Singer to comment on this part of the vote only, that is, on item 1 dealing with the official guardian.

**Mr. Singer:** Well, if Mr. Lawlor wants to confine this portion of the debate or discussion to the official guardian, I have no objection.

**Mr. Lawlor:** I have something to add—

**Mr. Singer:** The principle I was applying applies equally to the public trustee, but we can get that later.

**Mr. Chairman:** I don't mind the latitude, because if we don't deal with it here we will deal with it in the next item. I wasn't objecting to that, but I gather Mr. Lawlor had some comments as well on the same item and—

**Mr. Singer:** However, Mr. Lawlor does have a very good point about the quorum. If we haven't got a quorum there is no point in continuing. I share that objection

with him, and even though he hasn't asked that the meeting be disbanded, I would.

**Mrs. Campbell:** Well, if that is to take place, could I just add one comment that I'd like the minister to reply to when he is at liberty to do so?

**Mr. Chairman:** It is just about 6 o'clock in any event. Yes?

**Mrs. Campbell:** That is the role of the official guardian with reference to the compensation fund in assisting children who have become victims of criminal acts. That is one area that I'd like very much to see developed in the minister's reply.

**Mr. Singer:** Well, let's return to the point of order.

**Mrs. Campbell:** I am sorry, but I just wanted—

**Mr. Singer:** Yes, it makes a valid point. But I think it's really an insult to the legislative process—

**Mrs. Campbell:** So do I.

**Mr. Singer:** —when there are—

**Mrs. Campbell:** Maybe they're all getting ready to go to dinner.

**Mr. Singer:** There are 76 Conservative members in the Legislature, yet they can't produce enough bodies—

**Mr. Ruston:** Can't produce anybody.

**Mr. Singer:** —to help form a quorum. I think it's ridiculous and I don't think we've got any authority to proceed any further, Mr. Chairman. Let the record show that there isn't a quorum and this meeting is—

**Mrs. Campbell:** And that it isn't a quorum because the Tories are all missing.

**Mr. Singer:** Because there isn't a single Conservative other than the chairman in the room.

**Mrs. Campbell:** That's right, other than the chairman, and the minister.

**Mr. Chairman:** Well, Mr. Singer, I may be at fault because you know we rose in order to join the House in the vote, and there may have been some misunderstanding because of the time of day, at 5:30, that we wouldn't sit again.

Mrs. Campbell: We asked the question, Mr. Chairman.

Mr. Chairman: But in any event, it's true we don't have a quorum. It being 5:55 we'll adjourn until—

Mr. Singer: We have no right to proceed.

Mr. Chairman: —tomorrow after the question period.

Mrs. Campbell: And we are adjourning tomorrow at about 5 o'clock, is that correct?

Hon. Mr. Welch: No, we're sitting tomorrow night.

Mr. Chairman: No, it's Thursday.

Mrs. Campbell: Oh, we are. It's Thursday that you're not—I see. Sorry.

The committee adjourned at 6 o'clock, p.m.

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Ontario. Legislative Assembly

# Legislature of Ontario Debates

## ESTIMATES, MINISTRY OF THE ATTORNEY GENERAL

Standing Administration of Justice  
Committees

Chairman: Mr. J. A. Taylor

OFFICIAL REPORT — DAILY EDITION  
Fourth Session of the Twenty-Ninth Legislature

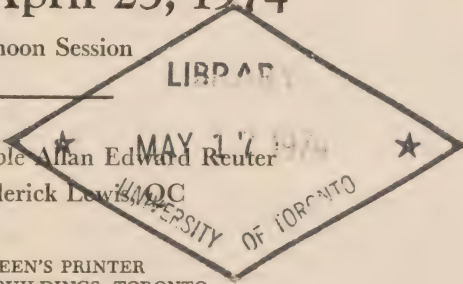
Tuesday, April 23, 1974

Afternoon Session

Speaker: Honourable Allan Edward Reuter

Clerk: Roderick Lewis

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# LEGISLATIVE ASSEMBLY OF ONTARIO

TUESDAY, APRIL 23, 1974

The committee met at 3:20 o'clock, p.m.

## ESTIMATES, MINISTRY OF THE ATTORNEY GENERAL (continued)

On vote 1203:

**Mr. Chairman:** Last day, we were dealing with vote 120, item 1, of the official guardian. I think there were further comments.

**Hon. R. Welch** (Provincial Secretary for Justice and Attorney General): Mr. Chairman, while the members are getting themselves organized to carry on with this vote, we might just put on the record some information which the member for St. George (Mrs. Campbell) had asked for when we were discussing an earlier vote, particularly the relationship between policy of the Ministry of Community and Social Services and the policy being followed by the official guardian insofar as some benefits under the Family Benefits Act are concerned.

If I might, I would like to respond to that and then we can carry on with some other aspects of this vote.

Under regulation No. 287, if a child has liquid assets of more than \$1,000, such assets exempt a widow with a child from Family Benefits Act benefits. The Ministry of Community and Social Services family benefits branch, I'm told, has for many years applied a formula whereby a widow with a child with money held by the accountant of the Supreme Court of Ontario has been asked to apply for maintenance pursuant to rule 741 of the Supreme Court in order to determine whether or not such funds were available to assist with the child's maintenance.

The amount of money ordered paid to the widow has been considered the liquid assets which determine whether or not the widow was entitled to assistance. If the court in its discretion, based on a recommendation by the official guardian, determined that all or part of the money in court was not available, then the family benefits branch paid the widow the full amount of her entitlement under that particular legislation.

This matter, as the hon. member for St. George will tell you, Mr. Chairman, was put in issue in the case of Fawcett before the board of review of the Ministry of Community and Social Services. In that case, money had been paid into court under the Fatal Accidents Act, following the death of Mrs. Fawcett's husband as the result of an automobile accident. Ten thousand dollars was paid into court to the credit of her infant son.

Mrs. Fawcett refused to apply for maintenance out of the funds in court. The application for FBA benefits was denied and the decision affirmed by the review board of that particular ministry.

An application was then made to the Ontario Court of Appeal from the decision of the board, and the court held that "the balance of the moneys standing to the credit of the infant in court are the property or liquid assets of the infant."

The moneys in court, therefore, are properly treated, according to this judgment, as liquid assets and should be considered in determining the widow's eligibility for assistance.

Before the Fawcett reasons were issued, this entire matter was put in issue by Mrs. Campbell, resulting in the letter to her from the Minister of Community and Social Services (Mr. Brunelle), which was dated Nov. 13, 1973, and to which Mrs. Campbell made reference when she raised this point.

Following that letter, the FBA branch immediately put into effect a new policy. We were, however, concerned about the effect of Fawcett on this policy: Would the Community and Social Services ministry adhere to the policy in the light of the court's determination that the referred regulation was in fact valid?

Mr. Perry, the deputy official guardian, reports to me that he first met with Miss Crittenden and, on that particular date, with Mr. Smith, the director of the family benefits branch, and the memorandum to which I am making reference now is dated today.

Paragraph two of the letter indicates that whenever an application is received and there are assets held by the official guardian,

the FBA branch will request a special report and, based on the report, the determination of the appropriate amount to be exempted will be made.

The letter, of course, leaves out the following:

When, in the opinion of the FBA branch, moneys in court should be considered as liquid assets in terms of a widow's eligibility, a request will be made that the widow apply for maintenance assistance out of the money in court.

The official guardian, pursuant to rule 741, will then process the application [and, of course, proceed with it]. If the court, in its discretion, determines that it is in the best interest of the minor that the funds remain in court, the widow will receive FBA assistance without such assistance being affected by the funds which are in court.

So this would appear to be a good example and I pay tribute to where it belongs—to the member for St. George in bringing this matter to the attention of the government. As a result of the inter-ministerial co-operation, we have been able to currently work out arrangements now which would be in the best interests of the infant, and indeed of those who are making applications here.

Mrs. M. Campbell (St. George): May I have a comment on the following, Mr. Chairman? Now, I have been trying to get the policy from the ministry and they simply said that they thought the right thing to do was to leave it to the discretion of the official guardian. My concern was that which I expressed yesterday when I said that if the official guardian were indeed, by definition, an ombudsman for children, then I could be comfortable, I think, with that role. But in view of the fact that, by definition, he remains the administrative officer this bothers me, because I feel there should be a broader scope for the official guardian if he is to be placed in this position. That was what I was appealing for in my opening remarks on the official guardian's position.

Hon. Mr. Welch: If I may comment on that, Mr. Chairman, it seems to be appropriate to follow up on this. I am impressed with that approach. Indeed, perhaps what we should be doing, as we are considering the whole question of family law and, in particular, the organization of the courts in this matter, is include in our investigation the possibilities of broadening the responsibilities or the scope of responsibility of the official to whom you make reference. This is, of

course, in addition to those responsibilities which he is required to carry out now. As I was listening to the points raised by the hon. member yesterday on this point, it seemed to me that this would be the appropriate time to review the role to be played by this official, in the light of changing needs in the family situation. Reference was made yesterday, I think by the member for Downsview, to the lack of initiative as far as this official was concerned, and in fairness to the official guardian there has really been no incentive to be taking very much initiative, except—

Mr. V. M. Singer (Downsview): No statutory direction, which was really my point.

Hon. Mr. Welch: So I think what I have said equally applies there, that perhaps we should, in the context of the overall review in which we are going to be engaged, consider the very points that you have raised, and I would be very happy to make sure that they are included in that review.

Mrs. Campbell: Well, I understand from your deputy that since this was raised there have been no moneys paid out as a practical matter.

Hon. Mr. Welch: Well, with the exception of this, I don't know if that is the case.

Mr. E. K. Pukacz (General Manager): I asked them today. I had a meeting with them and there was no money paid.

Hon. Mr. Welch: There has been none?

Mr. Pukacz: No money paid.

Mrs. Campbell: My concern is that it could change and I'd like to have something better than just an ad hoc kind of position.

Hon. Mr. Welch: I think it will be that Mrs. Fawcett, if I am not giving adjudicate advice, may well be advised to re-apply now.

Mrs. Campbell: I think she has.

Mr. Singer: This was a point I wanted to make, because as I listen to the minister, and then I quickly glance at the letter from which he was reading, it sounds like an administrative decision which I suspect is not based on any statutory authority.

Mrs. Campbell: That's right.

Mr. Singer: In fact, as one looks—

Hon. Mr. Welch: That is correct.

Mr. Singer: Pardon?

Hon. Mr. Welch: That is correct.

**Mr. Singer:** Yes, if one looks for statutory authority, the statutory authority would probably indicate that this is not proper. It is not authorized.

**Hon. Mr. Welch:** Well, it all depends on what statute you are looking at.

**Mr. Singer:** Well, all right; I wasn't concerned with this one, but I had a case in my own office, and I am not going to tell you which public official was involved because he did the right thing even though he had no statutory authority.

We obtained a judgement based on a claim for negligence against a hospital, resulting from a variety of reasons, including the hospital's negligence. The plaintiff was seriously crippled and was unable to pursue his usual job, which was some kind of labouring job. He was then getting retraining and, as a result of his retraining, he was getting certain benefits and if the money that he got in settlement of the action was shown as his, even though we have settled the action, then his benefits under the retraining programme would have been diminished so that he would have used up the money in the action.

What I was able to do—and, I suggest, quite improperly—was to get an official who said if you—me, the lawyer—will hold it in your trust account we will pretend it doesn't exist and you can dole it out to him every year. This is exactly what I am doing.

In the end, justice is being done, but it is a shame that we had to turn all of these circles to take care of something that seemed quite logical. Here is a poor, crippled man, who had to change his whole lifestyle, learn a new job. The rules and regulations and statutory provisions required that he first use the money awarded him in lieu of getting any government subsidy for retraining—which makes no sense at all.

So the point I get at in this case, and in others without a statute, is that there has got to be some regularization in the statute. It is all very well to read the report and this is what is being done but it is probably not being done legally.

**Mrs. Campbell:** This is where it is under the regulations that the minister's predecessor, Mr. Chairman, suggested that the exemption be raised to \$5,000 and this was not acceptable to the Minister of Community and Social Services, who wished to proceed in the way in which it now is.

**Hon. Mr. Welch:** I am inclined to like this approach without any particular amounts

being fixed at all, because these amounts tend to get carved in stone—

**Mrs. Campbell:** That's right.

**Hon. Mr. Welch:** —and then we have to live with them. This seems to place far more discretion on an individual case basis, which I think is a very—

**Mr. Singer:** There is some sense in that, but regulate it.

**Mrs. Campbell:** That's my only concern. If it is in this way then the official guardian should have the role of the ombudsman and not just an administrative official role in this area.

**Hon. Mr. Welch:** Let's take a look at that. I appreciate the comments from the members.

**Mr. Chairman:** Mr. Lawlor?

**Mr. P. D. Lawlor (Lakeshore):** First of all I think it a somewhat curious thing, though I suppose on some grounds admissible, that the various areas which we have under surveillance this afternoon are not covered by the Law Reform Commission. Neither is there any particular recommendations or surveillance, anything handed down, as to the operations of the office of the official guardian, or public trustee for that matter.

In the proposals for the reorganization of the courts is the institution of the two separate entities. On the one side there is the one who will be the law guardian—the new office, the proposed new being—defending juveniles before the family court with its enlarged jurisdiction. While it doesn't necessarily encompass the particularly monetary role that the official guardian plays, if the official guardian's office is to be continued then it would be moved into, I take it, the enlarged assemblage of the family court, although there is no recommendation to that effect. That would be a very logical and intelligent move to make. His office would be perpetuated under that head, or perhaps under the designation of the law guardian.

On the other side, as the minister knows, the legal department, as they call it, without any particular honorifics, will prosecute the cases before that. I would think that would not in any way be usurpation of the role of the official guardian. I don't think he prosecutes in most instances. He generally represents as a third party or an intervener, or on the basis of the defence of the juvenile rights and infants' rights before the courts.

I just throw that out for what it is worth with a particular eye to perhaps the en-

largement of the role of what is called a law guardian.

I have a couple of specific matters, Mr. Chairman, to discuss under this particular vote. In the 1973 report of the Provincial Auditor, the official guardian is singled out for some comment and criticism and, to put it on the record, on page 92 they say about the official guardian:

During the course of our audit for the year ended March 31, 1973, we observed that the general ledger had not been balanced each month, and at the time of our audit the postings in the general ledger for expenses were six months in arrears. We further noted that a detailed listing of accounts receivable for the Matrimonial Causes Act section had not been prepared at the year end or at any other time since the 1972 audit.

Since such listings were not available, a great deal of additional time was required by our staff to complete this section of the audit. Unless such a listing is prepared on a monthly basis and agreed in total to the general ledger control account, errors and other uncollectable amounts may go unnoticed.

I take it that you have taken this under astute assessment, and have moved in this area to see that these accounts have pulled up their socks and that they keep their ledgers properly.

**Hon. Mr. Welch:** I think Mr. Pukacz could help us with that, Mr. Lawlor.

**Mr. Pukacz:** As far as the official guardian is concerned, he was allowing credits on payments. This has been changed. Now in every case a standard fee of only \$50—it used to be between \$65 and \$90—is paid in advance, with the exception of Legal Aid. Legal Aid pays \$50 per case monthly. On the other hand, all ledgers have been brought up to date and this considerable accounting system has disappeared by the fact that no more credit is given.

**Mr. Lawlor:** Is there no credit up to \$50?

**Mr. Pukacz:** In other words, when a writ is issued for a divorce, the lawyers at the same time are obliged to pay the \$50 for the services of the official guardian.

**Mr. Lawlor:** Yes.

**Hon. Mr. Welch:** No more American Express cards?

**Mr. Lawlor:** That's sure going to cut down on the divorce rate in this province.

**Mr. Chairman:** You had another point, Mr. Lawlor.

**Mr. Lawlor:** No, I think I'll let this go. Oh, just one thing. Queen's proctor, is he still kicking around? He's ripe for abolition.

**Mr. Pukacz:** The Queen's proctor is Mr. Blenus Wright, who is present here.

**Mr. B. Wright** (Senior Crown Counsel, Civil Litigation): Right here, Mr. Lawlor.

**Mr. A. J. Roy** (Ottawa East): I think when I came in here I was going to say he looks like a Queen's proctor.

**Hon. Mr. Welch:** He's not wearing his ruffles today.

**Mr. Chairman:** He certainly looks very much alive.

**Mr. Lawlor:** Did you hear the second part of my comment, that you're ripe for abolition?

**Mr. Wright:** That may very well be so.

**Mr. Lawlor:** The guillotine is out in the corridor.

**Mr. J. Yaremko** (Bellwoods): You have to look in his left hip pocket to see the Queen's proctor.

**Mr. Lawlor:** The Queen's proctor is going to be absorbed in the new organization which I'm sure is forthcoming almost immediately these estimates are over. So, your term of life is very foreshortened.

**Mrs. Campbell:** With tongue in cheek he says it.

**Mr. Singer:** We established a new principle yesterday. Each successive minister is not now responsible for his predecessor.

**Mrs. Campbell:** For which they are truly thankful!

**Mr. Chairman:** Mr. MacBeth:

**Mr. J. P. MacBeth** (York West): I came in when Mrs. Campbell was talking, and I didn't hear what conclusion you came to in regard to the point she raised in the House about using funds—or at least Mr. Brunelle's ministry using funds to—

**Hon. Mr. Welch:** I read that into the record, Mr. Chairman. The point is that there's an elimination of this hard rule with respect to non-exempted amounts and each case is to

be treated on its own on the basis of the situation.

**Mr. MacBeth:** I just wanted to go on record, Mr. Minister, by saying I think if the sum has been given for a permanent injury of any sort, that none of it, other than the interest from that fund, should be available.

**Mr. Singer:** That makes good sense.

**Mr. MacBeth:** I don't think that any of the capital should be used during the infancy of the child at all. If they want to take the interest from it that would be a different matter. To take an award that's been given for a permanent injury and to use it for maintenance during the infancy of the person, to my way of thinking, is a mistake.

**Mr. Singer:** Not only insofar as infants are concerned, but so far as adults equally.

**Hon. Mr. Welch:** I appreciate this.

**Mrs. Campbell:** I would hope we could look at the situation. If the child had special needs—I'm thinking of needs such as plastic surgery or special education—I wouldn't like to see what has been said by Mr. MacBeth preclude that.

**Mr. Lawlor:** That it should be an iron rule, no.

**Mrs. Campbell:** But, I—

**Mr. MacBeth:** Well, I meant for maintenance proceeded by some other administration.

**Mrs. Campbell:** That's right. Yes.

**Mr. Singer:** Could I say a word now about public trustees? I tried to yesterday and—

**Mr. Lawlor:** Just one word on official guardians, if I may—

**Mr. Chairman:** Yes.

**Mr. Lawlor:** On the estimates themselves, on the 1972-1973 actual for transportation and communication with \$18,900 gone to \$26,700, why is it transportation has jumped like that?

**Hon. Mr. Welch:** Please, Mr. Pukacz, would you answer?

**Mr. Pukacz:** Because in the previous years we were using Children's Aid Societies. However, Toronto Children's Aid Society broke the contract with us, so we had to look for alternatives. Now we have hired social workers to do the work and there is a lot of travelling involved.

**Mr. Lawlor:** A lot more travelling now, eh? Okay.

**Mr. Chairman:** Shall item 1 carry?

**Mr. Singer:** No, I wanted one—

**Mrs. Campbell:** Well, Mr. Chairman, the minister didn't respond, I don't think, to my question about the reporting of the official guardian in divorce actions. As I explained, I haven't been actively engaged in practice for a few years but are they improved, or do we now get some kind of social reporting other than just the financial aspects of each marital partners or the housekeeping of each of the partners? Do we build in something now that has some reference to concerns about the child and the child's welfare beyond those two points? And if not, then perhaps this, too, should be something with which the official guardian, as the ombudsman for children, should be charged.

**Hon. Mr. Welch:** Well, I have no reason to believe that these reports are not helpful to that extent. Mr. Pukacz, would you like to reply?

**Mr. Pukacz:** The new reports are very wide.

**Mrs. Campbell:** Are they?

**Mr. Pukacz:** But, the only thing is the official guardian is not allowed to do in the report is to comment on the situation. It is done this way.

The social workers and one of the lawyers of the official guardian who is exclusively used for this work advises the judge on any points which he would like to raise as far as reporting is concerned. And these people are used very widely by judges.

**Mrs. Campbell:** Well, I wasn't suggesting that the official guardian at this point in time should make that determination, as it were.

**Hon. Mr. Welch:** Yes, that's true.

**Mrs. Campbell:** But I am asking whether facts other than strictly the economic factors and the condition of housekeeping should be made available in the reporting—something to do with the relationship of child to each parent or something. Because right now the child is a piece of furniture that is parcelled out with the rest of it in the divorce.

**Mr. Pukacz:** Yes, this I don't think appears in the written report. In the written report is the material situation of both parents; the situation of the children; who cares for the

children; how the children are cared for—this type of thing—

**Mrs. Campbell:** Yes.

**Mr. Pukacz:** —which might be used for the assessment by the judge. Also, this personal contact, which is now by professional social workers who are working with the official guardian, helps a lot.

**Mr. Chairman:** Does item 1 carry?

Carried.

**Mr. Singer,** you wanted to speak on item 2 of vote 1203, public trustee?

**Mr. Singer:** Very briefly, insofar as—

Interjections by hon. members.

**Mr. Singer:** Thank you, thank you. I have your permission now?

So far as item 2 is concerned, the public trustee, I want to make some brief comments, substantially in accordance with the principle I was talking about relating to the official guardians. I think that we should provide in our statutes for some initiative to be taken by the public trustee on matters that either he ascertains himself or which are brought to his attention, and along with that I think has got to come some serious look at our Surrogate Courts Act.

What has been happening—and I have run into this on quite a few occasions—is that where an estate is being corruptly or very badly handled, unfortunately, since our laws relating to estates have come down from the hoary past, there is no ability to anyone who might be aggrieved to interfere quickly and no real ability without consents and lengthy hearings to get the erring administrator or executor of a place.

I had something to do with an estate in which the deceased left a fair bit of money. He had three children and a widow surviving him. He chose from among his children the most educated and most intelligent one and appointed her as executrix. His widow, unfortunately, was suffering from mental illness. Neither of his two sons had ever gone very far in school and were not very bright so he chose the only one of his heirs who appeared to have intelligence and some education to be his executor. Well, it turned out that she stole the estate blind.

I was retained by one of the other children and we had a terrible job getting accounts passed. We did get the executrix cited by the surrogate court for default of \$50,000 or \$60,000 which did no good because the

money had gone by that point. Then we had a terrible struggle to get a public presence into that estate and rescue what little was remaining and administer it for the purposes of the beneficiaries who were entitled to it.

After much consultation with the public trustee, he eventually agreed to take over as administrator provided that the other heirs would agree and provided that the court would appoint him. So another three, four or five months passed by. Had one of the other heirs agreed to take over, notwithstanding their competence, the public trustee would have been excluded. Fortunately, the solicitor representing the other two heirs agreed that this was in the best interest and prevailed upon his clients to renounce their prior right to be appointed as administrators. Eventually the public trustee stepped in and the public trustee is administering what is left of the estate in a reasonable way.

What I would like to see in the law is some facility whereby when circumstances such as this become known to the public trustee he has not only the authority but he has a duty to step in. I think we should provide in the statutes relating to the public trustee not only a right to come into matters where he thinks something is going wrong but also a duty. By the same token, while we are doing that we have to look at—certainly in my opinion and the opinion of many other lawyers—all of the procedures laid down in the Surrogate Courts Act and see if we can't bring them into the 1970s. Let's do away with some of these forms and at least place the discretion in the hands of the appropriate members of the judiciary, where they feel the circumstances warrant it, to do away with this right of first refusal of various people and, where they feel there is an interest to be protected for people who can't otherwise protect themselves, a public official be sent in. I think this is very important and I think it is something to which the Attorney General should pay quick attention.

**Mr. Chairman:** Mr. Singer, you are coupling those remarks, I gather, with those remarks made in connection with the official guardian in that both of these officers play a more aggressive role?

**Mr. Singer:** That's right. There are different roles they play, the public trustee particularly, in relation to these estates because there are many estates which are being terribly badly handled. Our theory of law is, it has to be an adversary system and unless a beneficiary has been improperly treated and that beneficiary is prepared to assert the

initiative—the beneficiary often has no idea how to assert the initiative—there is no basis on which the matter is going to come before the court at all.

I say there should be a public presence in there. There is probably no statutory right to insert a public presence unless everything else has been exhausted.

**Mr. Chairman:** Are there any further comments on item 2?

**Mr. Lawlor:** Yes, just explain a couple of things to me, please, so I will be a wiser man when I leave here than I was when I arrived. On page 26 of the red book—

**Mr. Roy:** Is that possible?

**Mr. Chairman:** Well, he may be more informed. I don't know that he will be any wiser.

**Mr. Lawlor:** Probably less wise but more informed. Crown probable escheats—you are still doing that, eh? That is my first question. The files continue to decline so much in number but of course increase in value. How does that operate now?

**Hon. Mr. Welch:** Perhaps, Mr. Pukacz, you could answer that.

**Mr. Pukacz:** Probable escheats, where it is known that there are certain moral and legal rights of people to those estates, so long as these rights are not clear they are still considered a probable escheat.

**Mr. Lawlor:** How long do they remain probable?

**Mr. Pukacz:** Ten years. But the right of recovery exists after the property is escheated—always under moral and legal rights.

**Mr. Lawlor:** Indefinitely? Can you come back on the government?

**Mr. Pukacz:** Yes, the only thing is that if you come back after, they may not be all translated into money. But this is at the discretion of the Lieutenant Governor in Council and there is no limit.

**Mr. Lawlor:** All conducted under the Escheats Act?

**Mr. Pukacz:** Under the Escheats Act, yes.

**Mr. Lawlor:** Well, what are special trusts?

**Mr. Pukacz:** There are some Indian trusts included there. They come under the Indian Act, when an Indian under the age of 18 leaves the reservation. Then this money is

held in trust by the public trustee and paid to him when he reaches the age of 18. We have about 360 of them at the moment.

**Mr. Lawlor:** By the public trustee, not the official guardian?

**Mr. Pukacz:** No, this is held by the public trustee. It is not subject to any reduction, deduction, or anything like that. It is paid six per cent annual interest.

**Mr. Lawlor:** You are doing very well, Mr. Pukacz, thank you.

Crown companies; what are Crown companies?

**Mr. Pukacz:** I don't know why they call them Crown companies because they are companies which have been taken over by the public trustee by reason of bankruptcy or by reason of dissolution or non-existence of shareholders. These companies are taken over, or their assets are taken over, by the public trustee, and their assets are distributed among the—

**Mr. Lawlor:** Among the non-existent shareholders.

**Mr. Pukacz:** No, among the shareholders, creditors or other people. Before they are escheated, the creditors are paid and also very often shareholders, or par shareholders are found. They make a petition, and they have a good moral ground very often. They are paid—

**Mr. Lawlor:** Is this applicable to conditions of bankruptcy?

**Mr. Pukacz:** It happens. Or perhaps there is a company and the partners bring certain assets—real estate or some other thing—

**Mr. Lawlor:** And the partners take off for Venezuela and there is nobody.

Can you do that to federal corporations operating in Ontario?

**Mr. Pukacz:** I must say I am not sure on that.

**Mr. Lawlor:** It is probably only Ontario corporations.

**Mr. Pukacz:** Ontario corporations, yes, because it is under the Ontario Business Corporations Act.

**Mr. Lawlor:** I see. One can't tell precisely how much money is involved because it gets all mixed up with something called the corporate trust. What is that all about?

**Mr. Pukacz:** The corporate trust? I wouldn't like to—

**Mr. Lawlor:** We have a special committee of the Legislature, a select committee, studying trusts. I never heard of all these things and we've been studying it for six months.

**Mrs. Campbell:** You had the wrong department.

**Mr. Pukacz:** Corporate trusts would be those which are considered as abandoned trusts which had corporate organization prior to liquidation.

**Mrs. Campbell:** Well, could we have any sample of what that is? Just a for-instance?

**Mr. Pukacz:** I should do it this evening because I wouldn't like to mislead anybody.

**Hon. Mr. Welch:** We could get you a list of those if you wanted.

**Mr. Lawlor:** Yes, just for curiosity's sake.

**Hon. Mr. Welch:** Let's make a note to provide the hon. members with a list of corporate trusts.

**Mrs. Campbell:** But they're different from the charitable trust.

**Hon. Mr. Welch:** If you'd like to have a breakdown of the corporate trusts, fine.

**Mr. Pukacz:** Oh, they are different from charitable trusts. Charitable trusts are separate.

**Mr. Lawlor:** Is there any provision for that type of trust which is abandoned and yet is not a corporate trust?

**Mr. Pukacz:** No, there are patients' trusts which are trusts—

**Mr. Lawlor:** All right. Let's take an abandoned trust, which is not a corporate trust, called a patients' trust. Is that money escheated to the Crown too if it appears to be abandoned?

**Mr. Pukacz:** No. Patients' trust would come under the Crown Intestate Administration of Estates Act. If a patient dies and there are no known relatives or beneficiaries, then it would become a Crown probable escheat.

**Mr. Lawlor:** As a Crown trust? Well, it's probably under the Crown trust section. I see. How interesting all this stuff is. Okay, I'm finished.

**Mr. Chairman:** Thank you.

**Mr. Roy:** Mr. Chairman, can I speak on vote 1203?

**Mr. Chairman:** If it's vote 1203, it's item 3, Supreme Court accountant.

**Mr. Roy:** Oh, I'm sorry. I mean 1204.

**Mr. Chairman:** Well, we haven't reached that yet. Item 3? Mr. Lawlor?

**Mr. Lawlor:** Again, referring to the auditor's report for this year. I always go through this and peruse it very carefully and place it among my incunabula—

**Mr. Roy:** In your what?

**Mr. Lawlor:** In my hope chest—to see just what notorious things are happening within the Justice ministry. There's an article here on page 86, accountant's office, the Supreme Court of Ontario. "One of the more nefarious institutions in our province is the—" oh, that isn't the way it reads. I must be putting it in there myself.

In our report for 1971-1972, we pointed out that all accounting records and supporting legal and financial documents are kept in one location, and that, in the event of fire or other similar catastrophe, it would be extremely difficult to satisfactorily reconstruct these records.

During the course of our 1972-1973 examination of the accountant's office we observed that this situation was unchanged. [As usual.] Therefore, we again recommended that pertinent records and documents be microfilmed at least annually, and that the films be stored in an off-premises location.

What's being done about that?

**Mr. Pukacz:** As far as this is concerned, the minister even has directions that these have to be microfilmed and all the old records will be microfilmed. The same will apply to new records every year. We are complying with the Provincial Auditor's request.

**Mr. Lawlor:** In other words your intentions are extremely good.

**Mr. Pukacz:** No, no. They are operative.

**Mr. Lawlor:** They are operative? They are actually being microfilmed right at this moment?

**Mr. Pukacz:** I would have to check. The directive came about two weeks ago.

**Mr. Lawlor:** Well, okay. I have no more on that.

**Mrs. Campbell:** Where do they store the microfilm?

**Mr. Pukacz:** They have a strong room within the building.

**Mr. Chairman:** Does item 3 carry?

**Mr. Lawlor:** Just one thing. The land titles assurance fund is under this thing. How much money is in that fund now?

**Mr. Pukacz:** The assurance fund?

**Mr. Lawlor:** Yes, the land titles assurance fund.

**Mr. Pukacz:** I am not certain of the actual amount, but it is around \$1 million.

**Mr. Lawlor:** Why are you so certain? Does that remain constant, that fund? Is that kept at a certain fixed level?

**Mr. Pukacz:** If it reaches \$1 million there are no charges made for assurance fund.

**Mr. Lawlor:** Oh, I see.

**Mr. Chairman:** Does item 3 carry?

Carried.

That completes vote 1203.

Vote 1203 agreed to.

On vote 1204:

**Hon. Mr. Welch:** Mr. Chairman, I'm wondering if at this stage, in order to put something in proper perspective, I should respond to some comments made by the hon. member for Ottawa East, when he took part in debates in the Legislature as they are recorded in volume 16 of the Legislature of Ontario debates for Tuesday, April 2, beginning at about 656. It has reference to the case of Regina vs. Neilsen, Wentzell and Smith. Perhaps it would be helpful at this stage if I responded to the comments made by the hon. member during the course of that debate which would seem to be relevant at this particular point in my estimates.

On April 2, the member for Ottawa East reviewed extensively certain facts relating to the trial in Ottawa last November of Walter Neilsen, Jason Wentzell and Warren Smith.

I do not feel it is necessary to comment upon the specific facts which gave rise to the prosecution, other than to state it was alleged that the accused were involved in a scheme to sell worthless stocks to members of the public throughout northern Ontario.

I should like to deal with many of the

points raised by the member. I think it is very important to have the record clarified with respect to this. He pointed out that in the first instance, when the three accused appeared before the provincial court judge, two of them elected to be tried by a judge and jury and the other elected to be tried by the provincial court judge. In fact, it is my understanding that the accused Mr. Smith elected trial by judge and jury and both Mr. Wentzell and Mr. Neilsen elected trial by a judge sitting alone, which would mean a county court judge and not a provincial court judge.

This is, of course, quite significant because the suggestion is made that it was the provincial court judge who caused all three accused to be treated in a manner which would require them all to have a preliminary hearing. It should be pointed out that the Crown attorney does not have the right to control when a guilty plea can be entered.

The accused Neilsen twice appeared before a provincial court judge and on the first occasion he had the option to elect to be tried by that judge and could have indicated at that time that he wished to plead guilty. On the second occasion he did indicate that he wished to be tried by a provincial court judge, but the judge declined to accept that election. The judge determined that the matter should be treated as a preliminary inquiry, as is his right under the provisions of the Criminal Code.

On the first occasion, neither Neilsen nor his counsel indicated to the judge that he wished to plead guilty. In fact, it was only at a much later date in May, 1973, that Mr. Shore, counsel for Mr. Neilsen, wrote to the Crown about a guilty plea. You will note that this letter does not say that Mr. Neilsen will plead guilty but rather, "I am prepared to seek instructions now with regard to a plea of guilty", and further, "In the event that Mr. Neilsen does plead guilty at a later stage. . . ." On goes the letter.

If this is in fact what was represented by the accused and if the Crown did consent to re-election, there would be nothing to stop the accused from pleading not guilty after the Crown's consent, thus putting the Crown back to step one with the only alternative being to start the evidence in this case for the third time.

It was also pointed out that it was the intent of the Crown attorney, Mr. Cartwright, to force all the accused to be tried together. Thus, evidence would be introduced against the accused Neilsen which would have the effect of prejudicing Mr. Wentzell.

It was the theory of the Crown throughout that the three accused were engaged in a common purpose or design in the carrying out of the alleged fraudulent scheme and it could not prejudice Mr. Wentzell and his trial to have Neilsen also before the court. Once the Crown established a common design then evidence of any acts done in furtherance of the common design by any member of that common design is admissible against other members of the same common design or purpose.

It does not appear therefore that it would have made any difference whether Mr. Neilsen was tried with Mr. Wentzell or not.

**Mr. Roy:** I violently disagree with you there; but carry on.

**Hon. Mr. Welch:** No doubt, that's your privilege. We thought we would just have to have the record clear from our point of view.

**Mrs. Campbell:** What do you mean, violently?

**Mr. Chairman:** Would you complete your statement, Mr. Minister?

**Hon. Mr. Welch:** Yes. The hon. member pointed out that from the outset counsel acting for the accused took the position that Mr. Cartwright should get the Attorney General to prefer an indictment and avoid a long preliminary hearing and save a great deal of expense. He also said—and I'm making reference to the comments of the hon. member as recorded in Hansard—that Mr. Cartwright refused to accept this suggestion.

It is my information that no such approach was ever made by counsel acting for the accused to Mr. Cartwright. Indeed, it would seem rather strange that if that were the position of counsel acting for the accused, that it would now be alleged that the Attorney General abused his power when he subsequently did agree to prefer an indictment in this case.

After the preliminary hearing had extended for some 14 days and during the Christmas vacation, an error was made and Neilsen, who was in custody, was not brought back to the court every eight days to be formally remanded. Accordingly, the judge lost jurisdiction over Neilsen. The Criminal Code provides that when a person is in custody prior to the stage of committal for trial he must be remanded at least every eight days.

Counsel acting for Mr. Neilsen quite properly pointed out that jurisdiction had been lost and Mr. Cartwright agreed with that

point. He endeavoured to get counsel for all three accused to agree to proceed on a new information in the same wording as the original information and have the evidence which had already been introduced apply to the new information. Both Neilsen and his counsel, Mr. Shore, refused to agree to this procedure and their position was also affirmed by counsel for both Mr. Smith and Mr. Wentzell.

Once again, if it was in the interest of everyone to have this matter proceed quickly to trial, it is difficult to understand why this procedure would not be agreed to. But it clearly was not and a new information was then laid against Neilsen. This procedure was attacked by counsel acting on behalf of Neilsen and his motion to a judge of the Supreme Court of Ontario was dismissed.

Subsequent appeals brought the Ontario Court of Appeal and the Supreme Court of Canada were also dismissed with the final appeal being heard on Oct. 2, 1973. During this time the preliminary hearing had proceeded and had extended a full 37 days. In mid-September a draft bill of indictment was provided to each of the counsel for the three accused, and it was made known that it was the intention of the Crown to proceed with the trial at the autumn assizes in Ottawa to be held at the end of October.

Despite the fact that the motion by counsel acting for Neilsen had been to the Supreme Court of Canada a motion in almost identical terms was launched by counsel acting for Mr. Wentzell, prior to the provincial court judge making his ruling on the preliminary hearing. The motion was also unsuccessful and an appeal was then launched to the Court of Appeal. The provincial court judge ruled that he would not make any ruling as to the committal or discharge of the accused while that appeal was still pending.

It was obvious that this appeal would not be dealt with before the autumn assizes at Ottawa and that was a primary consideration of the Attorney General in preferring the indictment. If the matter did not proceed in October, it would not then be heard until the next assize at Ottawa several months later.

It should be pointed out that Mr. Neilsen had been in custody 17 months extending from the time he was arrested in Florida.

My colleague, the former Attorney General (Mr. Bales), considered all the factors relevant to the particular matter and determined that it was important that the matter proceed to trial without any further delay.

Accordingly, he gave his consent for the indictment to be preferred before the grand jury of the Supreme Court sitting in Ottawa. That grand jury returned a true bill and the trial then proceeded before the Hon. Mr. Justice Donohue. At the outset of that trial, Neilsen did enter a plea of guilty. He was then removed from the courtroom and the trial proceeded against Mr. Wentzell and Mr. Smith.

I agree with the statement of the hon. members that an Attorney General should consent to the preferring of an indictment only in exceptional cases and I underline that—and this is particularly true when a preliminary hearing has not been completed. But in this particular case, as I have read the facts, and as I have shared them with the members of this committee, all of the evidence had been heard. The provincial court judge stated he would not make his final ruling as long as the appeal by Mr. Wentzell was still before the courts. The almost identical point had been decided in the previous motion brought by counsel acting for Mr. Neilsen, so I am satisfied that the circumstances in this case did justify the action taken by the Attorney General at that time. And I am satisfied that it resulted in no miscarriage of justice or unfairness to any of the accused. Had he not taken the step he did, the matter might still not be tried.

I would like to deal with some other matters raised by the hon. member, Mr. Chairman, during the course of that debate. He indicated that it was his understanding that in this case Crown counsel withheld evidence which might be favourable to the accused. Certainly the role of the Crown attorney is clear and that it is to ensure that all relevant evidence, both for and against an accused, is made available. I have no information that would in any way indicate that Mr. Cartwright, as the Crown in this case, withheld any evidence.

The hon. member also questions why an accountant called as a Crown witness in this case was not charged, and suggests that he was in some way granted immunity from prosecution in return for his evidence as a Crown witness. It goes without saying that each case must depend upon its own particular facts. The role of every individual in any set of circumstances must be carefully assessed. In this particular case, upon a review of the evidence, it was determined by the police officers and the Crown attorney that the accountant would not be charged.

The hon. member suggests that in all cases every individual against whom there is a prima facie case must be charged and that it's improper to permit the Crown attorney to exercise his discretion and not charge certain individuals, but rather to use them as witnesses for the Crown. I think that the hon. member for Ottawa East, as a former assistant Crown attorney, would agree that there are often cases where this is not possible, as for example in a case where someone has been performing illegal abortions. The usual practice is not to charge the female person upon whom an abortion has been performed, but rather to charge the individual who performed the abortion and have the female testify as a witness for the Crown.

**Mr. Roy:** The same practice applies to prostitution.

**Hon. Mr. Welch:** The standards laid down by the hon. member would constitute improper practice, although I think common sense must indicate that these steps must sometimes be taken.

**Mr. Chairman:** Excuse me, Mr. Singer, did you have some comments?

**Mr. Singer:** I wanted to talk on this—

**Mr. Chairman:** We are dealing with vote 1204, item 1, Crown law office.

**Mr. Singer:** Yes, but I would like to let Mr. Roy carry on with the points he started to make and then I will come—

**Mr. Roy:** If you don't mind, Mr. Chairman?

**Mr. Chairman:** No—

**Mr. Roy:** I would like to—Mr. Minister—

**Mr. Chairman:** Excuse me, Mr. Roy, you will appreciate that the reason I called on Mr. Singer is that he is the critic for your party—

**Mr. Roy:** Yes, I appreciate—

**Mr. Chairman:** —and we are prepared of course to hear you, but I did wish to give preference and priority to the critics, and then, of course—

**Mr. Roy:** I appreciate that, Mr. Chairman. I discussed it with Mr. Singer prior to—

**Mr. Chairman:** Will you continue then, Mr. Roy?

**Mr. E. Sargent (Grey-Bruce):** In other words, you have changed the rules then?

**Mr. Roy:** Mr. Minister, if I might suggest it, I think it would be wise if you were to sit down with the three counsel on the case. Obviously you have only got one side of the case, possibly, as I had only one side of it. I didn't sit down with the Crown—with Mr. Cartwright—prior to making the speech in the House. It is just like, I suppose, in your statement; the defence counsel indicate they were not consulted.

**Hon. Mr. Welch:** I don't know whether you can draw that assumption or not, Mr. Roy, but however you can—

**Mr. Roy:** Are you telling me—

**Hon. Mr. Welch:** I am not suggesting anything, but I think that you have no reason to make that particular comment. I am quite prepared to stand by my statement, but I don't think you are justified in suggesting that I have got my information from only one particular source. If there is something wrong with my statement, then please let's talk about the statement rather than my sources. What's wrong with the statement?

**Mr. Roy:** Okay, but all I am trying to do, surely, is to say that you can make one statement and I can make another statement. What we are both interested in is arriving at the truth.

**Hon. Mr. Welch:** Mine is correct.

**Mr. Roy:** Yours is correct. If you proceed with that statement, we are going to have some fun here.

**Hon. Mr. Welch:** Let's proceed on that basis.

**Mr. Roy:** Are you telling me, Mr. Attorney General, that you did in fact consult with defence counsel in this case?

**Hon. Mr. Welch:** I didn't say that.

**Mr. Chairman:** Mr. Roy, I gather—

**Hon. Mr. Welch:** I assure you I am not in the witness box now. I am replying. Mr. Roy made a statement, Mr. Chairman, in the House, reported on April 2.

**Mr. Roy:** Yes.

**Hon. Mr. Welch:** I have now replied to that statement.

**Mr. Chairman:** And, I might say, in some detail, as I heard it. Mr. Roy, I gather you disagree with the contents of that statement?

**Mr. Roy:** Yes, I certainly disagree with some of the comments in the statement. And I would—

**Mr. Chairman:** Possibly you can enlighten the committee in regard to those areas—

**Mr. Roy:** Yes.

**Mr. Chairman:** —you are in disagreement with.

**Mr. Roy:** The first area of disagreement, Mr. Chairman, is the question of preferring an indictment. I was told by your predecessor that the reason the indictment was preferred was that first of all the defence counsel were motioning them to death, he said. They were abusing the process through these motions.

To answer that particular allegation, I have looked at the transcripts of the superior courts, the Supreme Court of Ontario, the Court of Appeal and the Supreme Court of Canada and all the motions. At no time did the presiding judge or the judges presiding at the appeal court ever say that any of these motions were facetious or were an abuse of the process. This was a right that counsel had, you see.

**Hon. Mr. Welch:** No one is questioning it.

**Mr. Roy:** Pardon me?

**Hon. Mr. Welch:** No one is questioning that.

**Mr. Roy:** Okay, but that is one of the reasons the indictment was preferred, to effectively curtail the activities of defence counsel, which is their right. The former Attorney General said to me they were being motioned to death on this, which is their right. As I say, if some Supreme Court judge had said, "I think some of these motions are facetious. They are an abuse of the process. They are a stall"—but at no time did the court say that. In fact, Mr. Shore's motion went right up to the Supreme Court of Canada; he was granted leave to be heard so there must have been some merit to the motion.

**Mr. Chairman:** With respect, Mr. Roy, that is a part of the minister's statement—the motion and the appeals right through to the Supreme Court of Canada.

**Mr. Roy:** Yes.

**Mr. Chairman:** There was no comment insofar as the motions were being made in a frivolous manner.

**Mr. Roy:** Yes, there was.

**Mr. Chairman:** In this statement? I didn't hear that.

**Mr. Roy:** The minister said the second motion by the counsel for one of the accused was very similar to one of the motions by the other accused. That suggests this is an abuse of the process, obviously, and then he said, "If we had let the matter go on, this matter might still not be at trial." It's some indication that there was a stall going on with defence counsel through their motions.

I am pointing out, Mr. Chairman, that there is no evidence—at least not from any evidence I have seen and the Attorney General hasn't pointed this out—that any of the motions were, in fact, frivolous; or that they were a stall or an abuse of the process. I feel I am justified in saying that to see if the Attorney General has any information that that is the case. I was told specifically by his predecessor that that was one of the reasons they preferred the indictment, that counsel were abusing motions. Surely it's important we discuss that, because the first point I challenged was the right or the decision by the Attorney General to prefer an indictment after 37 days of evidence?

In any event, if I may continue, the second reason I was given was that some witnesses were not well. Your predecessor told me personally that some of the witnesses were not well and they were concerned about these witnesses not being available for the trial. I noticed your statement did not deal with that at all. I take it that is not one of the reasons the indictment was preferred.

**Hon. Mr. Welch:** I have no information on that.

**Mr. Roy:** No.

**Mr. Chairman:** It certainly wasn't a part of the statement, Mr. Roy.

**Mr. Roy:** No, but you see—

**Mr. Chairman:** The health of the witnesses, Crown witnesses or defence witnesses, was not referred to in the statement.

**Mr. Roy:** But you see my difficulty? We have changed Attorneys General and his predecessor is the one who preferred the indictment and gave me certain reasons for doing it. This Attorney General is now justifying the reasons which are not quite the same as his predecessor's. I am trying to get some consensus.

**Hon. Mr. Welch:** Are you asking the minister?

**Mr. Roy:** Yes.

**Hon. Mr. Welch:** Mr. Chairman, is the minister being asked whether or not there was any evidence of some witnesses, important in this case, not being well?

**Mr. Roy:** That's right.

**Hon. Mr. Welch:** Let's get an answer to it. Is that available to us?

**Mr. C. M. Powell** (Assistant Deputy Attorney General, Criminal Appeals and Special Prosecutions): Yes, it is, Mr. Roy. There was an indication and Mr. Cartwright was satisfied—there was a letter you made reference to in your speech of April 2, but there were also phone calls by Mr. Cartwright to the man from the State of Illinois, I believe, who had become ill when he had been here before in Ottawa. There was a question of some bronchial condition or something that he had. Mr. Cartwright was satisfied there was a question of this man's health and that was one of the considerations advanced at that time.

**Mr. Roy:** Obviously you must have seen my reply to that in the House, in Hansard; the man replied and said he wasn't sick. His only problem was that he found it tiring to stand in the witness box for a whole day.

**Mrs. Campbell:** Can't blame him.

**Mr. Powell:** I understand that in addition to the letters there were also several telephone calls between the Crown and that particular witness which led the Crown to that opinion.

**Mr. Roy:** I take it that was the only witness whose health Cartwright was concerned about?

**Mr. Powell:** Yes; he was a pretty major witness.

**Mr. Roy:** I understand he was a major witness but the documentary evidence, the letters, certainly don't indicate there was anything wrong with him. I think that was the reason the decision was made. Motioning us to death, he said, and a witness was sick. I don't consider that the decision for preferring an indictment was justified at all. You see, what concerns me—

**Hon. Mr. Welch:** Well, Mr. Chairman—

**Mr. Roy:** Yes?

**Hon. Mr. Welch:** Mr. Chairman, this Attorney General makes reference to neither of

those reasons in his statement, as you know. The hon. member is entitled to his opinion with respect to the propriety of the Attorney General exercising this particular business of preferring the indictment.

**Mr. Roy:** I'm greatly concerned.

**Hon. Mr. Welch:** All this minister is doing, in view of the fact that the hon. member sought fit to discuss this in some detail on Tuesday, April 2, is that I felt that the record should have the other side of the story. I suppose, Mr. Chairman, there will always be a basic difference of opinion as to what, in fact, was proper to do under these circumstances. I recognize that and I respect your right to do that.

**Mr. Roy:** May I say something to you, Mr. Minister, with great respect. As a former Crown attorney I have the utmost respect for my former colleagues in that profession, people that I deal with day in and day out in the courts in Ottawa, people like Mr. Powell, although we have disagreed on certain items. We disagreed on Fidinam on which I read his opinion. I have the greatest respect for people in that field.

It has been my experience that the Crown attorneys, at least in Ottawa and other outlying areas—I don't know about Toronto here—that I have met in association, and your special Crowns, the people who go around the province, are very fair. They're objective individuals and I think that they have made great contributions to the justice of this province.

The only problem is that when a Crown attorney, in my opinion, starts to be a law unto himself I get greatly concerned that there is no one to supervise him. This is the reason for raising this particular issue. You talked about the question of your side of the story. All three defence counsels in this particular case have told me that they were prepared to swear affidavits. The defence counsels in this case are reputable counsels, Mr. Houston, Mr. Cogan and Mr. Shore. They're prepared to swear affidavits that they asked Cartwright early on in the process to prefer an indictment at this stage, that the preliminary hearing was going to be a long preliminary hearing. On more than one occasion they asked this of Mr. Cartwright.

That is what concerns me, that having asked him, the Attorney General's department let the preliminary hearing go on for 37 days. At that point, when the judge puts it over for a decision to make a ruling on certain evidence, then the Attorney General

steps in. I get concerned about that situation because it seems to me it's an abuse of the process.

The other point is, of course, a question of the pleas of guilty. I have here a letter, and you referred to this letter, in which Mr. Shore pointed out in May that he was prepared to seek instructions. Then you mentioned in your statement that if Cartwright, the Crown attorney, had consented to a plea of guilty, then Shore could have changed his mind. Then, effectively, you would have had a split there. Once counsel gives his word that he's going to enter a plea to certain counts, I've yet to see a situation where he changes his mind once Crown counsel consents to a real action and puts it down in writing.

**Hon. Mr. Welch:** The point in my statement was that the letter itself was no indication that there would be a guilty plea.

**Mr. Roy:** Yes. The point was made later on of the fact that they had personal discussions, which are not in writing, where he said that he was prepared to plead. I think it's supported by the fact that at the first opportunity he was given to enter a plea, he did. He did enter a plea to exactly the number of counts that were on the indictment.

**Hon. Mr. Welch:** He had an earlier opportunity to do it.

**Mr. Roy:** No, wait. He could not because that's where—

**Hon. Mr. Welch:** That's here in my statement.

**Mr. Roy:** Eh?

**Hon. Mr. Welch:** He had an earlier opportunity.

**Mr. Roy:** No, he had no earlier opportunity, because being before the provincial court judge he needed the Crown attorney's consent to re-elect and plead guilty. Once he was committed on to trial he could at that point have, pleaded guilty alone before the Supreme Court judge. That was the only other opportunity he had. Cartwright, in fact, disagreed with that and had him plead before the 12-man jury after the jury was selected. He had no other earlier opportunity, seeing that the Crown did not want to consent. Am I wrong?

**Mr. Powell:** The first time in court he could have pleaded guilty.

**Mr. Roy:** Oh, sure he could have pleaded guilty on 37 counts, yes. But Cartwright had told him that he was not going to proceed with 37 counts, that he was going to proceed with six or seven counts. So, it's easy to say, "well, he could have pleaded guilty to 37 counts," but—

**Mr. Chairman:** Are there any other areas of disagreement with the minister's statement that you wish to raise?

**Mr. Roy:** Well, I would like to suggest to the minister that to clear the air on this matter he discuss the situation with defence counsel. Surely there's no harm in that. They're reputable counsel and it's important that you know exactly what happened in this case. And, I suggest to you, that they're in a position to rebut many of the points that you've made.

**Mr. Powell:** Might I make one comment, Mr. Roy, in relation to what you said? I think it is of importance. You indicated in your speech on April 2, and have also said here today, that all three defence counsel at a very early stage approached Mr. Cartwright to prefer an indictment. You said they will bring affidavits to that effect.

**Mr. Roy:** Yes.

**Mr. Powell:** My understanding, and I spoke with Mr. Houston today, is that that is not the case. And I think that there is this disparity of views in that—

**Mr. Roy:** Have you talked to Mr. Cogan.

**Mr. Powell:** Not to Mr. Cogan; I spoke to Mr. Houston.

**Mr. Roy:** You say Ed Houston has told you that he's not prepared to swear an affidavit that he, in fact, approached Cartwright to prefer an indictment in this matter?

**Mr. Powell:** Yes.

**Mr. Roy:** Well, that would be very interesting because he told me differently.

**Mr. Powell:** Well, I simply—I hope it isn't a misunderstanding and that we're not using Mr. Houston or these other people in the middle, that's all.

**Mr. Roy:** Could I ask you one last question on this? In view of the fact that this preliminary hearing went on for 37 days and the trial went on for some 30 days, as I understand it; what sort of costs are we talking about when a trial goes on for that long? Can you give me some idea?

**Mr. Singer:** Thirty-seven dollars.

**Mr. Roy:** Surely you must have some estimation if a trial goes on for 10 days it usually costs so much; a jury trial or a preliminary hearing.

**Mr. Sargent:** The Watergate didn't take that long; or the "Hydrogate" inquiry didn't take that long.

**Hon. Mr. Welch:** Well, Mr. Chairman, it would be somewhat difficult because one would take into account the fact that many people involved are on salary. Court officials are there operating the courts for the court system. And so what you could attribute to this particular case, as opposed to others, I think it would be very difficult.

**Mr. Roy:** I would have thought that in the Attorney General's ministry, in view of the large number of cases you have, your guys could say, "Well, look, if a trial generally takes this long it usually costs us so much." You know, I would have thought this was something—not an actual figure, of course, but some idea—

**Mrs. Campbell:** In the ball park.

**Hon. Mr. Welch:** If you'll leave your question with us we'll see whether or not it's possible to come up with some estimates.

**Mr. Roy:** Sure.

**Mr. Chairman:** Further questions or comments on item 1?

Shall item 1 carry?

**Mr. Singer:** No.

**Mr. Chairman:** Mr. Singer?

**Mr. Singer:** I'd like to ask sort of a perennial question. I'm sure you've got a seven-page answer. Tell me about the Dow suit.

**Mr. Roy:** The what?

**Mr. Singer:** The Province of Ontario against Dow Chemical Co.

**Hon. Mr. Welch:** Well, I would have been very disappointed if you hadn't asked.

**Mr. Singer:** Yes, I thought you would. I didn't want to disappoint you.

**Hon. Mr. Welch:** And perhaps in order to make sure that all the legal jargon is quite correct, we'll ask Mr. Wright if he'll give you an update on the latest progress.

**Mr. Singer:** All right. Fine.

**Hon. Mr. Welch:** Mr. Wright, would you report on the Dow case, please?

**Mr. Singer:** Starting from the day the writ was issued and after the then Minister of the Environment (Mr. Kerr) pounded the table and said, "The polluters will pay."

**Mr. Wright:** You want it right from the beginning?

**Mr. Singer:** Yes, right from the beginning.

**Hon. Mr. Welch:** Tell it as it is, Mr. Wright.

**Mr. Wright:** Okay. The writ of summons was issued on March 15, 1971, naming Dow Chemical of Canada Ltd. and the Dow Chemical Co. as defendants.

**Mr. Singer:** If my arithmetic is right, that's three years plus two months.

**Mr. Wright:** The writ and statement of claim were served on Dow Chemical of Canada Ltd. on March 16, 1971, and notice of writ and other necessary documents were served on the Dow Chemical Co. in the United States on the same day. Appearances were filed by both defendants.

A motion was brought on behalf of the US company, returnable on March 29, 1971, to set aside the service of the concurrent writ of summons and statement of claim on the Dow Chemical Co. The motion was adjourned sine die to allow the defendant, the Dow Chemical Co., to cross-examine Mr. John Hilton on his affidavit. On the cross-examination we objected to a number of questions and the defendant brought a motion to compel answers to certain questions. The motion was heard by Master S. McBride and was completed on March 27, 1972.

**Mr. Roy:** You should prefer an indictment.

**Mr. Wright:** Master McBride reserved his decision and has not as yet given his decision. A decision may not be forthcoming by reason of the fact that we have discontinued our action against the US company—and that was done on Sept. 19, 1973, and we wrote to the solicitors of Dow Chemical Co. of Canada Ltd. demanding their statement of defence. A motion was brought—

**Mr. Singer:** When did that letter go forward?

**Mr. Wright:** Pardon?

**Mr. Singer:** When did the letter demanding the statement of defence go forward?

**Mr. Wright:** I am not sure as to the exact date. We discontinued on Sept. 19. I would suggest to you that it was just a few days after that that we demanded.

**Mr. Singer:** So that the 10 days has certainly expired?

**Mr. Wright:** That's right. A motion was brought by the defendant—

**Mr. Sargent:** Mr. Chairman, a question at this point: What is the demand? What is behind the demand?

**Mr. Wright:** Well, the fact that we had served them with a writ, they had appeared—

**Mr. Sargent:** Demand—what does that mean? What is the penalty if it doesn't fall in?

**Mr. Wright:** Can I just continue? I think the answer is here. Okay? A motion was brought by the defendant, Dow Chemical of Canada, to postpone delivery of its statement of defence until final disposition of the motions before the court, dealing with the service of documents on the United States company, and the motion to compel J. Hilton to answer certain questions arising on his cross-examination. The motion was heard on Nov. 30, 1973, before Master S. McBride, who ordered that Dow Chemical of Canada Ltd. deliver its statement of defence.

**Mr. Singer:** Within?

**Mr. Wright:** Well as to the date of the order, within I think it was 15 days from the date of the order. I am not sure whether it was 15 days or 20 days, but in any event that time has expired.

No statement of defence was received on the due date but we were served with a demand for particulars by both defendants.

**Mr. Lawlor:** Did McBride order Hilton to answer the questions or not?

**Mr. Singer:** No, he hadn't made the decision yet.

**Mr. Wright:** In my submission that decision is unnecessary at this particular point because it only dealt with the US company. Okay?

**Mr. Singer:** Now no longer parties.

**Mr. Wright:** No longer parties. Okay? The defendants now were at the demand for particulars. If you want to look at the court document you will find that demand for particulars now, because it is attached to the notice of motion and is about 50 pages long.

The defendants were advised that we would not provide the particulars requested and the defendants brought in motion for particulars returnable on Friday, March 29, 1974, and the defendants filed two affidavits in support of their application. On March 29 we made a preliminary objection to the defendant's motion on the basis that if they needed particulars they should have made this request on Nov. 30, 1973, when they asked for the postponement of the delivery of their statement of defence. The preliminary objection was dismissed with reasons on Monday, April 1, 1974.

The motion for particulars has now been adjourned sine die because we want to cross-examine the affidavits on the motion for particulars, because really what Dow Canada is saying is that they don't know enough about this action that they can put in a proper statement of defence. So we need more evidence to put before the court on the motion for particulars and that is the reason why we are cross-examining on the affidavits, and that is where it stands at the moment.

**Mr. Singer:** Gilbert and Sullivan could have had great fun with this. Three years and two months after the date, we are still motioning about whether or not we are going to get a statement of defence. I wonder, Mr. Attorney General, if somebody is going to pound on the table just before the election writ is issued and say "The polluters will pay. We are suing Dow for \$1 million?"

**Mr. Sargent:** Mr. Attorney General, where is the corruption, in the courts or in the government?

**Mr. Chairman:** Just a minute, Mr. Sargent.

**Mr. Singer:** What I am wondering is how many thousands of dollars we have spent up to this point pursuing what I am convinced—and I was from the moment the then Minister of the Environment pounded the table and said, "We are going to fix them"—is a will-o'-the-wisp. I don't think you have got a case. How much longer are we going to spend hundreds of thousands of dollars of taxpayers' money to pursue something that probably never is going to get decided?

**Mr. Wright:** Well, Mr. Singer, you asked as to the current status of the suit and you have had your answer.

**Mr. Singer:** Yes, all right, I am asking another question now.

**Hon. Mr. Welch:** Certainly it is our intention to proceed with this action. We have brought you right up to date. We are now in April, 1974. I think the hon. member, as a member of the bar himself, will certainly appreciate that the solicitors on the other side are certainly—

**Mr. Singer:** Tenacious, well financed, determined to drag it on as long as it must take.

**Hon. Mr. Welch:** —taking advantage of the rules in the interests of their clients.

**Mrs. Campbell:** There is no abuse of the process?

**Mr. Roy:** If you could prefer an indictment, would you prefer one now?

**Mr. Singer:** Has it ever been discussed that the case be abandoned, Mr. Attorney General?

**Hon. Mr. Welch:** No, there have been no discussions of that kind with us.

**Mr. Lawlor:** You'd better not abandon it.

**Hon. Mr. Welch:** Well, we did abandon the case against the United States—

**Mr. Singer:** Yes, apparently because you came to the conclusion that you were ill-advised to have commenced it.

**Hon. Mr. Welch:** No, my advice is that at that time the writ was issued to secure ourselves with respect to assets to cover possible judgement in the case, and we were quite satisfied that that could be realized from the Canadian company. If I am incorrect, Mr. Wright will correct me.

**Mr. Singer:** Can you tell me how the auditor came to the conclusion that some of the proceeds of this litigation, if there ever are any proceeds, might be given to the fishermen who were injured by the so-called pollution of Dow? It's in his report for 1973-1974.

**Hon. Mr. Welch:** I am sorry, Mr. Chairman. Would the member repeat the question?

**Mr. Singer:** I was asking the Provincial Auditor how he came to the conclusion that it is possible that some of the proceeds of this litigation, if there are any proceeds, might be given to some of the fishermen who have been hurt by the pollution, who lost their businesses, or credited against loans that the Province of Ontario made to these fishermen when they were ordered away from fishing because of the pollution in the lake.

**Mr. Chairman:** Did the auditor come to that conclusion, Mr. Singer?

**Mr. Singer:** That's in his report. If you want the specific reference, I can look it up in the report. Are you aware of that?

**Mr. Wright:** Yes, I am aware of it. I think it is perhaps just an opinion expressed by the auditor.

**Mr. Singer:** I see. Do you want the specific reference?

**Hon. Mr. Welch:** No, thank you.

**Mr. Singer:** All right; it's there. But it seems very venturesome for the auditor to have done that without having taken the advice or at least consulting with some of the law officers of the Crown.

**Mr. Wright:** That, Mr. Singer, would be a policy decision. It has nothing to do with the legal aspects of what might be done with any money that is obtained on the judgement.

**Mr. Chairman:** Mr. Singer, are you now getting into the area of what would be done with the proceeds of a successful court action?

**Mr. Singer:** No, I'm just wondering how the auditor, who is an important provincial official, would venture that kind of an opinion, without first having taken the precaution of discussing it with the law officers of the Crown, the Attorney General or some responsible person in that department. I just find it curious.

**Mr. Chairman:** I suppose the first presumption would be an anticipation of success in the lawsuit—

**Mr. Singer:** Well, there are several anticipations. One is an anticipation of success, and the second, interestingly enough, is an anticipation of what might be government policy, particularly in view of the fact that at the time this suit was initiated there were several suggestions, including mine, that perhaps something could be done in the name of, or for, or on behalf of the fishermen. The government refused to go that far.

I just wonder specifically whether or not the Attorney General or his appropriate officials might not communicate with the auditor and suggest to him that if he is putting forth legal opinions in his report, he might at least consult with the Attorney General's department. Whether he agrees with them or not is up to the auditor, but at least he should consult with them so that when people like myself pick up the auditor's report, we have

some reason to believe that some of the things he says have been researched.

**Mr. Chairman:** That might be better raised with the auditor in the public accounts committee.

**Mr. Singer:** No, I think it should be raised here, because if I were the Attorney General I would be concerned about those comments in the auditor's report, particularly if I hadn't been consulted.

**Mr. MacBeth:** The Provincial Auditor doesn't take his instructions from the Attorney General, does he?

**Mr. Singer:** No, I am not suggesting that. But if I were the Attorney General I would be concerned about that kind of remark if neither I nor any of my officials had been consulted.

**Mr. Chairman:** Any further comments?

**Mr. Singer:** Yes, I am not through with Dow yet. Can the Attorney General give me any anticipated time schedule—I remember asking Mr. Kerr a year or two ago whether the discoveries had taken place and he assured me that they had. I found that rather surprising, because I knew that the pleadings hadn't been completed. Can you tell me when it is likely that there is going to be some definitive decision about the filing or not of a statement of defence and when it is perhaps anticipated that the discoveries might start?

**Hon. Mr. Welch:** Mr. Wright, could you assist us here?

**Mr. Wright:** As soon as we get a statement of defence we are prepared to go for discoveries.

**Mr. Singer:** Would you care to hazard a guess?

**Mr. Wright:** I couldn't guess now.

**Mr. Chairman:** In the meantime there are discoveries I suppose in connection with the examination of the authors of those affidavits.

**Mr. Lawlor:** That is very narrow.

**Hon. Mr. Welch:** There are some fishing expeditions under way.

**Mr. Singer:** Mr. Chairman, one other point on this one. Have we any running account of how much this lawsuit, which has gone on now for three years and two months since its commencement, has cost the Province of Ontario, either as a departmental cost or as

a cost of fees paid to outside counsel? You've had two or three outside counsel at least.

**Hon. Mr. Welch:** Are you in a position to be helpful here, Mr. Wright?

**Mr. Chairman:** Let's get the answer to that question, please. Be patient, Mr. Sargent, I haven't lost sight of you.

**Hon. Mr. Welch:** The total expenditures of which I am advised, with respect to the Dow Chemical investigation as of March 31, 1974, are \$81,717.

**Mr. Singer:** That's outside expenses or including departmental expenses?

**Hon. Mr. Welch:** I would take it they are all expenses outside of ministry expenses.

**Mr. Singer:** And that includes disbursements and so on?

**Hon. Mr. Welch:** I assume that is so.

**Mr. Pukacz:** It doesn't include civil service.

**Mr. Singer:** No. All right, so that up to now, in over three years and two months, we have spent \$81,000 and we aren't even yet down to the statement? It is interesting. That is all I have on Dow.

**Mr. Lawlor:** Just one thing on Dow, which will kind of be a grim remark, a kind of legal castration. You have observed the long form collective statement that civil proceedings should be disclosed within one year. That is really going to kill you.

**Mr. Wright:** Mr. Lawlor, the proceedings have been brought by the defendants and not the plaintiff.

**Mr. Lawlor:** Yes I know.

**Mr. Chairman:** Mr. Sargent, you had a question.

**Mr. Sargent:** Well, as one not trained in the law but one from the other side of the tracks, we've been saying around this province that this would never come to a trial. The Liberals have been saying it. I've been saying that in speeches, and it is a shocking thing to me, sir, that you, as Attorney General, can sit there and not be concerned about this because somewhere along the line you and I know there is a payoff. I want to suggest to you this—

**Mr. Chairman:** I think you should be careful about that, Mr. Sargent.

**Mr. Sargent:** I have said very plainly, and I'll say it again, that there is a payoff some-

place along the line. I don't know where it is, but I say this to you, that the United States—

**Mr. Chairman:** Possibly—

**Mr. Sargent:** Hold on, Mr. Chairman, I have the floor. I'm talking, not you.

**Mr. Chairman:** Yes, but you are making some pretty serious accusations.

**Mr. Sargent:** I am just as important in this committee as you are because I am a member of the Legislature.

**Mr. Chairman:** I appreciate that you are.

**Mr. Sargent:** All right, then don't talk so much.

**Mr. Chairman:** I appreciate that you are, but you are making some pretty serious accusations.

**Mr. Sargent:** I will continue to do that as long as I'm a member of this Legislature. I'll say what I think.

In the United States, executives of large firms have gone to jail for pollution. Here, in most cases, if an ordinary person gets into trouble, he goes to jail because he is in trouble. But here we have a multimillion dollar corporation that can buy a licence to pollute from this government—and that's exactly what it is, a licence to pollute. And we sit here buddy-buddy and we say, "You've spent \$81,000 in four years," and this is tantamount to a crime against the people.

A \$5,000 penalty retroactive would be most fitting, Mr. Minister. I suggest to you that you are saying that you are going to wait and find out what is going on. I think you should have the guts to say on behalf of the people, four years later, "We want action."

By God, it is time we had some guts in that department. I'm mad as hell about it. I've been watching this thing and how long you guys can get away with this stuff. That's all I've got to say.

**Hon. Mr. Welch:** Mr. Chairman—

**Mr. Chairman:** Do you wish to respond to that, Mr. Minister?

**Hon. Mr. Welch:** If I could make a couple of comments. No. 1, this minister is concerned. No. 2, I have no knowledge of—I think the hon. member used the expression "payoffs"—I certainly have none. That's a very serious allegation. The Attorney General has no knowledge of it.

**Mr. Sargent:** Is it in the courts or in the government? The payoff? It's someplace along the line. Because the ordinary person would come to trial and you know that.

**Hon. Mr. Welch:** No. 3, we are—

**Mr. Lawlor:** It lies in the ineptness of our laws.

**Hon. Mr. Welch:** I appreciate the concern of the hon. member, but we are talking about a civil litigation in which the Crown is suing for damages. We are talking about rules of procedure and so on, which the defendant is in fact utilizing.

**Mr. Sargent:** You can stickhandle if you want. The facts are there.

**Hon. Mr. Welch:** I am not attempting to justify the behaviour of the defendant but indeed, as the hon. member for Lakeshore and others would know, the procedures that are being followed by the defendant are provided for in the rules of practice.

I would hope that when we use this figure of the analysis of expenditure as of March 31, 1974, of \$81,717 they would realize that these are not all legal expenses. I gave you a breakdown as to how we come to this with respect to consultants and investigation and Ontario Water Resources Commission and a number of suppliers of services in addition to simple legal fees and so on. It is a substantial amount of money and it does illustrate in a very real way the seriousness with which we pursue this civil claim. I would think I would be very frank with the hon. member, Mr. Chairman, in indicating that I wish the matter was going along much more quickly. We have retained very competent counsel and indeed—

**Mr. Sargent:** Why don't you establish a deadline when you have to have this come to trial, like Burns says? Get this show on the road and let's find out—

**Mr. Chairman:** I presume it is because it is not a unilateral matter.

I'm wondering if the minister could complete his remarks and then if there is some further comments or questions then we could hear those. Mr. Minister, you—

**Hon. Mr. Welch:** I would think that one could understand the concern of both Mr. Singer and Mr. Sargent in wanting this to be proceeding more quickly. I think the Attorney General would like to see it going more quickly. We are quite satisfied that we've taken all the steps that we can to

illustrate how seriously we are pursuing this particular matter.

**Mr. Roy:** Well, Mr. Chairman—

**Mr. Chairman:** Yes, Mr. Roy.

**Mr. Roy:** I fully appreciate the process, especially in civil matters where you can motion someone to death in criminal matters—you've got an example here of what you can do in civil cases. But I can't accept your statement that you are proceeding with this with all due haste and with the enthusiasm you should have. I never have heard in my limited experience in law where you could have a civil action go on and three years later still not have—

**Mr. Singer:** And two months.

**Mr. Roy:** Three years and two months, and not even have a statement of defence. There obviously have been gaps someplace along the way where there has been stalling. There is no question that the company is stalling through motions, through particulars and so on. But I can't understand—I've never heard of it before—especially when we have the word of the Attorney General of this province. He and his predecessors who had control of this Act have been saying, "We are out there," yet three years and two months later—

**Mr. Singer:** "We'll get the polluters."

**Mr. Roy:** —we still don't have a statement of defence. I can't understand that. I could see the problems, discoveries, in making motions like this. But not even to have the statement of defence at this stage—I can't understand that.

**Mr. Chairman:** Mr. Lawlor.

**Mr. MacBeth:** You never came up against the late Lewis Duncan.

**Mr. Singer:** That would have been a record even for him, or George Walsh.

**Mr. Lawlor:** In a way I am anxious to flog this horse. It's a pretty dreary nag you know, but I'm sure some fault lies in initiating proceedings against the American company ab initio, if you didn't think Dow Canada was good for the damages and the costs. You have come latterly to recognize the difficulties of service out of the jurisdiction and the peculiar problems of examinations and so on for non-resident corporations and their directors. That would right from the beginning present the utmost diffi-

culties, I would have thought, and if you had deliberately set about to find a way in which to work into the proceedings a method of delay and a method of traducing the whole thing then you couldn't have chosen a better route.

Really, if you are going to get any celerity in the proceedings you are going to have to use a method of indictment or the methods of the criminal courts with an adjunct to it that the courts will have accessory powers over the disposition of damages. And this is done within the criminal structure, to rely upon criminal means generally, and if the Attorney General in his review of environmental law—I suppose it isn't in a way, really his demesne, it is probably more that of the Minister of the Environment (Mr. W. Newman), we do discuss environmental law under that particular bill. But it certainly is the overweening and overlording powers you possess under the former ministry we discussed.

This is a critical matter that must be brought up, because you are being made a laughing stock of, the government as Mr. Singer has pointed out, is somewhat of a caricature. Surely it must be embarrassing as blazes to you and if it isn't then you have no shame and this action is going on ad finitum and it will be 10 years from today if we happen to have—

**Mr. Singer:** If it happened to get printed.

**Mrs. Campbell:** If we can only find some cartoonists.

**Mr. Lawlor:** What a commentary, what a—

**Mr. Singer:** By way of a postscript somebody inquired why Mr. Macaulay wasn't retained by the government. It just occurred to me that Mr. Outerbridge was retained by the defendants and he's Mr. Macaulay's partner so it would be difficult to have Mr. Macaulay.

**Mr. Roy:** Once you've had discoveries do you plan to make a motion for speedy setting of a new trial or anything?

**Mr. Wright:** We'll try to get it on as quickly as possible.

**Mr. Sargent:** Well, that doesn't mean anything, will the minister make a statement?

**Mrs. Campbell:** It certainly doesn't.

**Mr. Sargent:** Will the minister say something positive here? I have the greatest respect for the Attorney General, I really do.

But I think it's time you got off your ass and did something.

**Hon. Mr. Welch:** I'll undertake to see that this moves along as quickly as possible.

**Mr. Sargent:** That is still nothing. Give us a deadline.

**Mr. Chairman:** Let's keep the language parliamentary.

**Mr. Sargent:** That's in the dictionary.

**Mr. Chairman:** I suppose you have some response to that?

**Hon. Mr. Welch:** What? That last comment? I would like to get off that part of my anatomy and back to the work of the ministry as soon as these estimates are completed, yes.

**Mr. Chairman:** Further comments, gentlemen? Mr. Singer?

**Mr. Singer:** Reading the red book on page 28 subparagraph c, I see the heading "Designating special counsel for the province in the most important civil and criminal matters." I presume that's outside counsel, is it?

**Hon. Mr. Welch:** I am sorry, Mr. Singer, you are talking about the responsibilities of the criminal office?

**Mrs. Campbell:** Yes, C.

**Mr. Singer:** Yes, C, designating special counsel in the most important—

**Hon. Mr. Welch:** Yes. To answer your question, that is outside of the ministry, that's right.

**Mr. Singer:** In the last fiscal year—and I don't know if you're able to project it, probably not—in the last fiscal year, how many different outside counsel did you retain in numbers? How many dollars did you spend for those services?

**Hon. Mr. Welch:** Mr. Pukacz, could you help me with that, please?

**Mr. Pukacz:** Yes. As far as the Ministry of the Attorney General is concerned we have only retained one lawyer for Dow Chemical, otherwise we haven't had any others.

**Mr. Singer:** You had two.

**Mr. Pukacz:** Two in succession. We decide as far as other ministries are concerned—

**Mr. Singer:** Oh! But you had two for Dow Chemical, did you not?

Mr. Pukacz: Yes, but it is one—

Mr. Singer: Mr. Dubin was appointed to the court of appeal; and then you hired Mr. Robinette.

Mr. Pukacz: Yes, that's right, but I considered it one case.

Mr. Singer: But two lawyers.

Mr. Pukacz: That's right. Other ministries have no right to retain a lawyer without consulting with the Attorney General now. And the fees are negotiated by the Ministry of the Attorney General, not individual ministries. But we have no record of exactly what these ministries have done.

Mr. Singer: Ah.

Hon. Mr. Welch: They would be charged to the other ministries.

Mr. Pukacz: They are charged to the other ministries.

Mr. Singer: Well, now, that is an advance. I have been agitating for something like that. But I am surprised that you have no record of in how many cases this was done, because it is going to be quite a chore to trace this through every ministry to get some idea of the extent of outside legal retentions, the amounts paid, who the individuals have been, and the necessity for it.

It has long been a point that I have made that there should be sufficient legal talent within the government; excepting the most unusual circumstances, it should be unnecessary to obtain outside counsel. Now, that relates both to staffing and to salary. I have always thought the government of Ontario should have in its employ as capable lawyers as there are in the Province of Ontario. Certainly the calibre has improved substantially in recent years. I think it is an important part of the story to see how far we have been getting. Obviously some of the remarks I have made in past years have borne a little fruit, but the story I am asking for now is not complete.

Hon. Mr. Welch: Except, I suppose, and I don't wish to be overly technical, we are not asking in these estimates for any funds for outside legal support that would apply to other ministries.

Mr. Singer: Recognizing that, I suggest that is overly technical.

Hon. Mr. Welch: I think as a matter of information, we have answered your question

so far as this ministry is concerned. I can't provide you with information as to whether or not there is some common place where you can once a year get a list of outside lawyers who have worked for the various ministries.

Mr. Singer: Mr. Pukacz says that the instruction now is that when any other ministry wants to retain outside counsel that it has to come to you for approval and presumably for each individual. And he says the fee is to be negotiated.

Hon. Mr. Welch: Yes.

Mr. Singer: I would have thought that on each consultation somebody would have scribbled a little memo to someone. It really shouldn't be difficult to get that information. I would be prepared to accept the Attorney General's undertaking to gather that information for us, because we couldn't ask Agriculture, University Affairs, and all of the other 20-odd ministries the same question. It's an almost interminable thing, and I would think there should be some facility available to us in this ministry, particularly since you have assumed a supervisory role, to get all that information at one time and to examine it.

Hon. Mr. Welch: I will make an effort to get this information for the hon. member.

Mr. Chairman: Any further comments? Shall item 1 carry? Carried.

Item 2, Crown attorney assistants.

Mr. Singer: Yes, I have a few comments on that. For some years, the turnover in Crown attorneys and assistant Crown attorneys was very substantial. One of the reasons for that, as I have said over several years, is because of the salary scale. Can you bring us up to date on turnover, say, in the last fiscal year, of Crown attorneys and assistant Crown attorneys?

Mr. Sargent: There is a vacancy in Owen Sound and nobody wants it!

Hon. Mr. Welch: That is not the case.

Mr. Pukacz: As far as the attorneys are concerned, there were only two retirements. There were no changeovers.

Mr. Singer: All right. How about assistant Crown attorneys?

Mr. Pukacz: Assistant Crown attorneys now have a markedly small turnover. I think we had six within the year.

Mr. Singer: Six within the year?

Mr. Pukacz: Yes.

Mr. Singer: That situation is much improved. What is the salary range for the assistant Crown attorneys?

Mr. Pukacz: Just one moment, please.

Mr. MacBeth: While he is looking that up, may I ask how many Crowns and assistants there are throughout the province?

Mr. Singer: Yes. The answer is on page 29.

Mr. Pukacz: Yes, we have it in the booklet.

Mr. Chairman: Forty-seven Crown attorneys and—

Mrs. Campbell: Forty-eight.

Mr. Chairman: —and 108 assistant Crown attorneys.

Hon. Mr. Welch: Mr. Singer, you want the salary range?

Mr. Singer: Yes.

Hon. Mr. Welch: We are looking that up for you now.

Mr. Lawlor: While you are looking it up, I would like to take a look at another area which is very new, really. My impression over the past two or three years, by the way, is that the haemorrhaging that had taken place in the ministry in this regard has been stanchd and a fair measure of permanence and stability has been achieved. It is a very good thing that this should be the case. People aren't any longer constantly engaging themselves as Crown attorneys or assistant Crowns simply to gain sufficient—three, four or five years—training in the courts to go off to practise on a far more lucrative scale in penal defence, having set up a knowledgeable relationship with the abiding criminals of the day. You come to know the story on the other side of the fence—

Mr. Sargent: Is this true, really?

Mr. Lawlor: —with a running acquaintance—that's right—and the prestige of the Crown attorney's office is visited upon the head of the new Clarence Darrow that grows up in Owen Sound, kind of thing. You can see the reasons for these things. I want to talk about—

Mr. Sargent: I wish to hell I had been a lawyer—

Mr. Singer: Just let's finish this.

Mr. Pukacz: Crown attorneys from \$22,594 to \$34,379. Assistant Crown attorneys from \$12,482 to \$29,011.

Mr. Singer: And your \$12,000 is payable to new graduates?

Mr. Pukacz: New graduates. We start new graduates from \$12,492 to \$13,497. It depends on his school standing and where he was articled, what he specialized in while articling.

Mr. Singer: How quickly can they move up the ladder? Is it staged?

Mr. Pukacz: Normally an able assistant Crown attorney will move from 1 to 2 within one year which will bring him after one year to a minimum of \$14,636—sorry, \$15,624—or \$17,239; it depends at what stage he was in group 1.

Mr. Singer: And then we move up to the last stage which is \$29,000, is it?

Mr. Pukasz: Twenty-nine thousand and eleven.

Mr. Singer: How many years would that normally take? Or is there any normal rate?

Mr. Pukacz: We have some lawyers who, within five or six years come to executive positions; others stay for 10 or 15 years perhaps at the level 4 or 5.

Mr. Singer: Do we have any assistant Crown attorneys who are part-time?

Mr. Pukacz: Yes, we have quite a number of part-time assistant Crown attorneys. We are using them wherever there is a need. In some places, we have perhaps one Crown attorney only and he has to cover three or four different courts. There could be a county court sitting and at the same time there could be one or two criminal courts and also the family court sitting. Part-time Crown attorneys are only used in junior courts; they are never used in senior courts.

Mr. Singer: How many part-time Crown attorneys would you have used in the last fiscal year?

Mr. Pukacz: I might also answer this question.

Mr. Powell: Are you talking about the whole province?

Mr. Singer: Yes.

Mr. Lawlor: Two hundred and eighty-nine.

**Mr. Singer:** Two hundred and eight-nine? Is that what the Law Reform Commission says?

**Mr. Lawlor:** Page 106.

**Mr. Pukacz:** We are using approximately 233.

**Mr. Singer:** Fine; somewhere between 233 and 289, I guess their figure was a year earlier.

**Mr. Pukacz:** No, 279 are appointed and 46 have not been used.

**Mr. Singer:** What restrictions do you have on part-time assistant Crown attorneys appearing in the criminal courts for defendants?

**Mr. Powell:** We have no restrictions on that. You mean if a person is appointed as a part-time assistant Crown—

**Mr. Singer:** Can he be in court one day as part-time assistant Crown and the next day as defence?

**Mr. Powell:** Yes. In some of the smaller areas—

**Mr. Singer:** Do you think this is appropriate? Because I don't.

**Mrs. Campbell:** I don't either.

**Mr. E. W. Martel (Sudbury East):** It is done in Espanola.

**Mr. Singer:** I know, it is done all over the province, but I still don't think it is appropriate.

**Mr. Pukacz:** We are increasing the full-time assistant Crown attorneys and in this year we are adding 11.

**Mr. Singer:** Yes, but are you decreasing the part-time assistant Crown attorneys or attempting to restrict them from criminal practice in the courts in which they appear as assistant Crown attorneys?

**Mr. Pukacz:** We are restricting the use of assistant Crown attorneys; the frequency of usage.

**Hon. Mr. Welch:** I think the point Mr. Singer makes, though—he has already had one answer to it—is the fact there are no such restrictions now. The member is really raising an interesting question as to whether there should be.

**Mr. Singer:** I think there should be and I would like to hear the Attorney General.

**Hon. Mr. Welch:** The Attorney General would be quite interested to discuss this from two or three points of view.

The point is, what restrictions will this place on him in obtaining the services of lawyers to take on this particular work in areas where there is need and where we couldn't justify full-time appointments in order to look after the number of courts there are? I appreciate what the member is saying. I am only taking it from a very practical point of view.

If we lay down as a condition of taking this work that these men or women cannot appear in criminal proceedings, we may well be defeating, of course, the whole purpose behind having the per diem or part-time Crown attorneys.

**Mr. Singer:** I am not suggesting that any of these compromise themselves. It might give the appearance of a compromise because one day they are appearing before a provincial court judge and with police witnesses on their behalf acting for the Crown and the next day they put on their other hat and they are acting for the defence.

**Mr. Lawlor:** The serious part, if I may suggest here, which the commission takes objection to is that the next day they are in a civil case in another court where they have already picked up information. They may be representing one of the parties in the case. There are rules as to conflict of interest.

**Mr. Singer:** That's an additional point. What would seem logical to me, as I look at the number of persons called to the bar this year—some figure close to 600 people—that there should be ample talent available. The system of part-time Crown attorneys, because of shortage of legal talent, could well be done away with. There is no shortage of legal talent. There are all sorts of lawyers wandering around now.

It would seem to me that it would be quite logical that this system be done away with, and where you can justify a full-time assistant Crown in a particular location you could get more junior members of the bar on a sort of a travelling circuit. You don't hesitate to send judges on a travelling circuit.

**Mrs. Campbell:** No.

**Mr. Singer:** It would seem reasonable to me that you could hire assistant Crowns for these more sparsely populated areas, who would be on a travelling circuit but would be full-time employees of the Province of

Ontario. I think that is something that should be striven for with some zeal.

**Mr. Chairman:** Mr. Lawlor, would you like to complete your remarks?

**Mr. Lawlor:** It hurts me to question. On one point, you gave an outside figure for Crown attorneys of \$29,011. I see for the Crown attorney for York it is \$32,742.

**Mr. Singer:** No, for the assistant Crowns.

**Hon. Mr. Welch:** For the assistants it was \$29,000. The \$34,000 was the upper limit figure for Crown attorneys.

**Mr. Lawlor:** Fine. On the lay prosecutors, that's the new issue.

**Mr. Martel:** Mr. Chairman.

**Mr. Lawlor:** I am sorry. Go ahead.

**Mr. Martel:** Just on this part-time assistant Crown attorney, you indicate this occurs in sparsely populated areas.

**Hon. Mr. Welch:** It does, but it is not restricted.

**Mr. Martel:** It is not restricted? There are large areas that have them?

**Hon. Mr. Welch:** Oh, yes, my home area has a number of them.

**Mr. Martel:** So does mine. I raised it last year because it bothered me for the reasons that both Mr. Singer and Mr. Lawlor have indicated. There are objections in the public eye to this sort of thing.

**Hon. Mr. Welch:** Mr. Singer properly underlines, as you do now, the question of the appearance of the thing, and I think that this is of concern. There are some practical implications to this. I've been interested in hearing his comments. The practicality of getting some people to go on a full-time basis and on circuit and having the right people who are prepared to do that much travelling are all things that are of some interest.

I would like some opportunity to reflect upon the comments. I do appreciate what you are saying.

**Mr. Chairman:** Mr. Lawlor.

**Mr. Lawlor:** The first thing that I think you will agree with and that we won't have any quarrel with is the fact that the police officers or police personnel ought not to be prosecutors of the courts. That is being elim-

inated gradually. In place of that, the lay prosecutors programme has been in existence for one year. They prosecute offences under provincial statutes only.

First of all, I would like to know in that area what the salary scale is?

**Hon. Mr. Welch:** Mr. Pukacz can help you there.

**Mr. Pukacz:** They haven't developed a separate classification but they are classified exactly as clerk 7 general and executive officer 1. It depends on experience.

**Mr. Lawlor:** What are their background and experience? What is their basis of qualification?

**Hon. Mr. Welch:** There was an advertisement that ran not too long ago for another 15 of them. Perhaps it would be helpful if the member simply read from the qualifications that were in that advertisement, if we have it. Do we have a copy of that with us? I can send the hon. member a copy. It spells it out.

**Mrs. Campbell:** I would like one, too.

**Hon. Mr. Welch:** If you will make a note, we will send a copy of the last advertisement for applicants.

**Mr. Singer:** How many of them are former policeman?

**Hon. Mr. Welch:** I don't know with the information I have here that I can give you the actual breakdown. We have, as you know, 20 provincial prosecutors now. It is pointed out in page 31 of your red book as to where they are.

**Mr. Singer:** I would suspect that a fair number of those are former policemen.

**Mr. Pukacz:** Yes.

**Mr. Singer:** While you have got away from the police in one aspect, you are really taking other policemen and putting them in. For the same reason there is an objection to the police officers prosecuting; you have removed it a little but not really—

**Hon. Mr. Welch:** Of course, the question we might discuss on that point is that you are concerned about it because they were in fact police in the pay of a police commission, accountable in that way to the enforcement section as opposed to the fact that having—

**Mr. Singer:** I don't know that you have to have an intrinsic financial relationship. I would suspect that if you have had occasion to be a police officer for 30 years—

**Hon. Mr. Welch:** You mean he would get a police mentality?

**Mr. Singer:** He thinks like a policeman, he acts like a policeman and even though he takes off his uniform, he still basically is a policeman. And the things that were objectionable about having police prosecuting in courts aren't changed that much merely because you call them by a different name.

**Hon. Mr. Welch:** I was going to ask, just to understand your concern, were you concerned because they were in fact policemen prosecuting? Or are you, in fact, concerned about the police mentality being in the lay prosecutor?

**Mr. Singer:** That's my point.

**Mr. Lawlor:** Following the matter in which Mr. Singer is interested, I would like to know how many of these people are students of law? Some must be, I think.

**Hon. Mr. Welch:** What you are really asking for now is sort of a breakdown of the qualifications of the 20 now placed?

**Mr. Lawlor:** Yes, that is right.

**Hon. Mr. Welch:** I don't know that I have that with me here, but I can certainly get that information.

**Mr. Lawlor:** Again, that may indicate that students of law are particularly intimately suited for at least certain phases of this work.

**Hon. Mr. Welch:** I don't know that we have any students. It is a full-time job.

**Mr. Pukacz:** No, they are not interested. It is a dead-end job.

**Hon. Mr. Welch:** The advertisement—I will get you a copy—was in connection with the fact that we wanted to engage an additional 15, and that is referred to on page 31, as to how we want to place those 15. We have had tremendous response, I think over 600 applications.

**Mr. Singer:** Mr. Pukacz hasn't yet come up with the salaries—

**Mr. Pukacz:** Yes, I have.

**Hon. Mr. Welch:** Mr. Pukacz, could you now give us that information on the salary range?

**Mr. Pukacz:** Yes, from \$11,552 to about \$16,500.

**Mr. Singer:** About the middle of that range is better than the salary of a first class constable in Metropolitan Toronto. So a first class constable who has served maybe 20 years and is still a first class constable could find it very interesting to get a job like that. And I wouldn't blame him particularly, away from the hurly-burly of regular police duties, he has got a nice quiet job and he can appear in his civilian clothes.

**Mr. Chairman:** one other point on that: Do you give these people courses before they go into court, how long are the courses and what do they involve?

**Mr. Powell:** I am sorry, Mr. Singer, I wasn't actually at the course. They took them all to Kempenfelt Bay and I think they were there for two weeks.

**Mrs. Campbell:** Dropped them in.

**Mr. Powell:** Mr. John Sampson and the Crown attorneys, they gave a very extensive course and provided materials, and I think it's a fairly—

**Mrs. Campbell:** I wish to speak to this too.

**Mr. Powell:** I know they are not all ex-policemen. Some of them are people who practised law in other jurisdictions, for instance, and come in—

**Mr. Singer:** Well, there is merit in this. I am concerned, though, about taking people who have spent their lifetime in the police force and making them lay prosecutors, because you still have the police mentality.

**Hon. Mr. Welch:** I'll check into that.

**Mr. Chairman:** Mr. MacBeth.

**Mr. MacBeth:** I just want to comment that I don't find the police mentality that objectionable as far as being a prosecutor in the courts is concerned. I think it's a natural place for some of these people to go who perhaps could no longer serve on the beat for various reasons, and as long as they are not in the pay of the police commission then I think there is room for some of these people in that position. I would hope that we wouldn't have a preponderance of them, but that when you are looking for new people you would get some outsiders as well, but I would not want to see you automatically cut off or disqualify policemen from that possible role.

**Mr. Singer:** Do you still have any policemen prosecuting?

Hon. Mr. Welch: Yes.

Mr. Singer: They are still policemen?

Mrs. Campbell: You bet there are.

Mr. Singer: How many? In how many places?

Mrs. Campbell: All over the country where you have family courts probably, except in Toronto.

Mr. Powell: Yes, pretty well in all other provincial courts dealing with provincial offences, other than those listed here, cases are being prosecuted by police.

Hon. Mr. Welch: Yes, I think that would be fair, yes.

Mrs. Campbell: Sure.

Hon. Mr. Welch: Some are.

Mr. Powell: Except some Crowns in Lindsay, and so on, do the provincial prosecuting.

Mr. Singer: Is it anticipated that there is a target day when there will no longer be policemen prosecuting in the courts?

Hon. Mr. Welch: We are phasing in the lay prosecutors, and certainly on the basis of our experience to date, we are being encouraged to continue in this. We have placed 20. We have advertised now for 15 more, and hopefully, depending on our success with respect to Management Board and so on, we will continue to do this.

Mr. Singer: Another little point, and it probably isn't a direct concern of yours, but if you hire a retired policeman as a lay prosecutor, I presume he brings with him his pension rights and then works on new provincial pension rights. Is that right?

Hon. Mr. Welch: The question that I am being asked is the portability of the pension benefits which a policeman who retires would bring with him to this new position of lay prosecutor.

Mr. Pukacz: We have portability as far as those police officers who are on OMERS and also Metropolitan Toronto, but not those who serve in the city of Toronto. They are locked in.

Mr. Singer: There's an anomaly because as the Attorney General may know—certainly I know because I've got two or three of these fellows who are after me all the time—retired provincial civil servants who take part-time jobs in and around the courts as attendants

and others are limited insofar as the number of days they work. It's a real burden on them because some of them are retired on very, very meagre pensions.

I was after Mr. MacNaughton for some considerable period of time and very little has been done. I don't believe they increased the number of days. But if you've set an example here yourself, what difference does it make if you are going to hire someone who has earned his pension and he comes to work at a new job? He's entitled to the full benefits that go with that new job. Why shouldn't you do the same thing within the provincial civil service?

Hon. Mr. Welch: Mr. Singer, just before I forget, Mr. Langdon, who has some responsibility with respect to Crown attorneys, is here. Mr. Langdon, I'm being asked, with respect to the 20 lay prosecutors presently in office in the province, how many of the 20 would be former policemen?

Mr. W. H. Langdon (Counsel, Crown Law Office): I could get the exact figures for you, Mr. Minister, but at a rough estimate I'd say roughly 15 of the 20 would have had some police background and the majority of those would have been policemen at the time that they were hired as provincial prosecutors. There are certain other individuals who had a police background and then moved to some other field such as insurance adjusting, in which they were engaged at the time they were hired. A man hired in St. Catharines, for example, had that type of background.

Hon. Mr. Welch: He's not a former policeman?

Mr. Langdon: He was a policeman at one time before he was in St. Catharines. He was with the OPP for a number of years, went out into insurance adjusting and then was hired as a provincial prosecutor.

The three men in Ottawa were all men with a police background. One was a policeman at the time he was hired, a man named Hunone. A second man had been with the OPP, had gone to university and was hired out of university on graduation, so to speak, and the third man, an older man of 53 years of age, had been a police officer and prosecutor in England for a number of years.

Hon. Mr. Welch: Mr. Langdon, you might note that Mrs. Campbell, Mr. Singer and Mr. Lawlor would like to have a copy of the last ad that appeared where we invited applications for the next group of 15 which spell out

the qualifications. Could you see that that's sent out?

**Mr. Langdon:** Those are readily available, sir.

**Mr. Singer:** And would you have a look at those things?

**Hon. Mr. Welch:** Yes.

**Mr. Singer:** They're most unfair.

**Mr. Lawlor:** I don't mind if a police officer has got qualifications, and it would be prejudicial to say that you would, but I don't think that that should be overloaded with policemen. I think you should give fair review of the applicants there. I know they have some kind of law training. They've probably been police prosecutors in one way or another in the past. I wouldn't want it to be because of low pensions after they retire from the force or something like that which would be the determining characteristic of engaging them.

There is, in my groin, some kind of feeling that while the odd one is probably very acceptable, on the whole the same kind of coerciveness and a certain kind of mentality is introduced into the courtroom. This is the very thing that we take exception to now to some extent. We take exception now because of the uniform and, even if they're in plain clothes, the role which they're playing, their liaison with the department, the whole prosecutory aspect tied in with an investigatory one. I'd scout that proposition pretty carefully and I'd like to see you diversify a bit, if you will, as you hire people this coming year—the 15 new people you're looking for.

**Hon. Mr. Welch:** We are in the process now, of course. We're reviewing the applications which we've received in response to the recent advertisement. I've mentioned that I think we have about 600 or more applications for the 15 applications we're going to need.

**Mr. Langdon:** Better than 600 applications, Mr. Minister.

**Hon. Mr. Welch:** We have a big variety and I appreciate your comments.

**Mr. Chairman:** Mrs. Campbell, you wish to add something?

**Mrs. Campbell:** I wish to speak on this item and it got away from me when we got into lay prosecutors. I would like to go back because, first of all, I would like to know how many women are Crown attorneys in this province.

**Mr. Langdon:** Do you wish me to respond, Mr. Minister?

**Hon. Mr. Welch:** Yes, would you, Mr. Langdon, how many women?

**Mr. Langdon:** I believe there is one, Mr. Minister, hired last week in Toronto.

**Mrs. Campbell:** Good.

**Mr. Langdon:** Not as a Crown attorney, I should say, but an assistant Crown attorney.

**Hon. Mr. Welch:** An assistant Crown attorney, not a Crown attorney.

**Mrs. Campbell:** An assistant, oh yes. I would like to have developed, if I may, the statement made by Mr. Pukacz that, in deciding and choosing these assistant Crown attorneys, you take into consideration where they have articulated. I am concerned about that.

**Mr. Chairman:** Excuse me, Mrs. Campbell. As I understood that remark, it was not in hiring them. It was in determining what their starting salary was.

**Mrs. Campbell:** All right. I still want it explained.

**Hon. Mr. Welch:** Yes, Mr. Pukacz, would you?

**Mr. Pukacz:** I would like to explain it is a question of whether they specialized in criminal law while articling. I was especially discussing the assistant Crown attorneys because during law school they also can specialize in criminal law. Later, while articling, they look for lawyers or they join the Ministry of the Attorney General and specialize in criminal law during their articling. This is taken into account for the basic salary, the initial salary. They go one step higher if they are specialists already by training and by articling.

**Mrs. Campbell:** All right. Then could I know whether the Attorney General has any interest in the kinds of prohibitions there may be on women getting into this field—getting into articling at all. I have to raise one point which bothers me. When I was articling the question or the situation usually was, "God forbid. We do not have enough real estate for a woman."

I understand the girls are moving forward. I don't know whether they have made representation to you or what they have done but I met with a group of them who say the standard question asked of them today in articling, or, in fact, subsequently is "What

form of contraceptives do you use?" I would like to know whether the Attorney General might be interested in trying to look into this sort of discriminatory situation in connection with getting into any of these fields of law which have been usually confined to the male?

**Mr. Chairman:** I assume that type of question isn't asked of the male?

**Mrs. Campbell:** No, of course not. I point it out and I am serious about it because it offends me and I would hope it offends the Attorney General.

**Hon. Mr. Welch:** It does and it would.

**Mrs. Campbell:** Insofar as the matter of the Crown attorneys is concerned—and the lay prosecutors, if I may lump them together—it is interesting to me that in the family court in Toronto, the police themselves felt they should not be asked to prosecute cases. It is something with which we all heartily agree because with the advancement of the Legal Aid programme they were not equipped for them. I am speaking now particularly of contributing cases which are adult offences heard in the family court.

They did not feel they could match their expertise against that of the defence counsel who were now coming into the court under the Legal Aid programme. I don't like to see the police in those courts at all, in prosecution. If we are interested in uniformity across the province, as I hope we are, it seems totally wrong to me that for the most part in this court again you have police officers acting as prosecutors, and sometimes in very highly complex cases. So, first, the whole feeling of having the police prosecuting is one which appalls me. But, apart from that, as I see it, they are not really equipped to deal with these complex questions in that particular court.

I wonder if you have done anything to assist in the load in the family court in Toronto in trying to ensure that there is adequate Crown attorney service for that court.

The other matter which I raise again here, because somebody has got to take some steps in legislation, is this: Is it still a fact that your Crown attorney must give his consent to permit an information to be laid on a show-cause or a contempt charge in access matters.

The reason that I ask is that your failure to amend the law in this area is actually causing a defiance of the law in a sense, in that judges are permitting rehearings on

matters in the family court in order to avoid this very onerous position of the male before that court who cannot lay an information ab initio in access matters. Could I have some answers on that?

I don't think the Crown is the person who ought to be deciding whether a man has a right. If an order has been made for access, then I think the man ought to be able to lay an information, citing his wife for contempt of that court order. But that has not been the case, and it was not amended when the other amendments went through, although I pleaded for it.

**Hon. Mr. Welch:** Well, Mr. Chairman, now the member raises three points. Let's perhaps take them in reverse order.

As to the procedural concern to which she makes reference, regarding the consent of the Crown attorney, I take it that what she is really asking the Attorney General to consider is whether there shouldn't be some amendments brought in about that—

**Mrs. Campbell:** Well, it is the legislation of another ministry—

**Hon. Mr. Welch:** —and it was my understanding that that was done.

**Mrs. Campbell:** No, it wasn't.

**Mr. Pukacz:** The right of access offences do not come under us, only maintenance. We changed the maintenance aspect.

**Hon. Mr. Welch:** Just maintenance. Well, that is what the hon. member is making reference to.

**Mrs. Campbell:** That's right. You changed the one without the other.

**Hon. Mr. Welch:** Well, as we are going to be into this whole question of changes insofar as the family court and family law are concerned, perhaps that is one of the things that should be considered as well.

**Mrs. Campbell:** Again there is no uniformity. Some Crowns will do it and some Crowns will not do it. There is no basis in jurisprudence for them—

**Hon. Mr. Welch:** If it is not necessary at all, then we get rid of it, don't we?

**Mrs. Campbell:** I think we should.

**Hon. Mr. Welch:** But the point is, let's take a look at that and see what that means in connection with the overall review of the court procedure.

The other two questions relate to the use of police for prosecution, both with respect to whether they should be used and, secondly, where they are being used, are they properly trained? Mr. Langdon, I wonder if you would help the committee by explaining exactly what are some of the restrictions placed on the use of police prosecutors.

**Mr. Langdon:** Yes, Mr. Minister, I didn't understand that it was all that irregular a situation, speaking only of Toronto—and I take it Mrs. Campbell's remarks are directed primarily to the Toronto courts?

**Mrs. Campbell:** No, it's across the province.

**Mr. Langdon:** Well, in Toronto the situation up until two years or so ago was that there was a regular assistant Crown attorney who worked full time in the family court. Unfortunately, he died about two years ago, and he hasn't been replaced because of the great shortage of manpower in the Toronto Crown attorney's office up until very recently, when their complement was increased.

I understand from Mr. Pukacz that there now is an assistant Crown attorney one day a week in the Toronto family courts, and with this recent increase in staff they possibly could be of more assistance in that area.

**Mrs. Campbell:** You had it up to two days before I left the court. Has it reverted to one?

**Mr. Langdon:** It reverted to one when the gentleman to whom I referred earlier died and—

**Mrs. Campbell:** No, I am sorry, it did not revert when he died. After he died we had a Crown and the Crown was in for two days, Mondays and Wednesdays. Now who makes that kind of a decision?

**Hon. Mr. Welch:** I guess the Crown attorney does.

**Mr. Langdon:** Yes, I believe so, Mr. Minister. In a case like that the decision would be that of Mr. Klein, the Crown attorney in Toronto; or his deputy Mr. Rickaby, who would decide how they could best deploy the manpower.

**Mrs. Campbell:** That was without any consultation of judges.

**Hon. Mr. Welch:** Mrs. Campbell raises the question with respect to the use of policemen in those jurisdictions where there are not now lay prosecutors—outside these 20 areas—and the question would be with respect

to what types of cases they are restricted to where police are still being used.

**Mr. Langdon:** That, I would expect, might vary from jurisdiction to jurisdiction within the discretion of the local Crown attorney.

**Hon. Mr. Welch:** This is Mrs. Campbell's point. Well, I think it is sufficient to say that the policy of the government is the gradual phasing in of the lay prosecutor in lieu of that particular approach. In the meantime, are there any particular training programmes to which police are asked to go as far as prosecution is concerned?

**Mr. Langdon:** The police, Mr. Minister, or the lay prosecutors?

**Hon. Mr. Welch:** The police.

**Mr. Langdon:** No, I do not believe that there are any in the police system.

**Hon. Mr. Welch:** The lay prosecutors?

**Mr. Langdon:** We have our own training programme for the lay prosecutor.

**Mrs. Campbell:** Well, may I ask in those programmes is the lay prosecutor now only in the criminal division? Or is the lay prosecutor in most divisions?

**Mr. Langdon:** May I respond to that, Mr. Minister?

**Hon. Mr. Welch:** Yes, please, Mr. Langdon.

**Mr. Langdon:** At this moment in time the provincial prosecutors are being used only in the criminal divisions, not in the family divisions.

**Mrs. Campbell:** I would hope, Mr. Chairman, that we would take a very long look at that function in the family court, particularly if they are people with police backgrounds, and particularly if they have not had very sound training before they undertake those prosecutions, because it is of great significance to me when you get these contributing situations, particularly.

**Mr. Chairman:** Shall item 2 carry?

**Mr. Lawlor:** No, I want to say a few words, Mr. Chairman.

**Mr. Chairman:** Oh, Mr. Lawlor.

**Mr. Martel:** You always try to put that in at the bell.

**Mr. Lawlor:** No doubt this gets a little concerned with plea bargaining for a few moments. I hope it is not for long, but it

may be. Before we do, may I ask where does the final authority for withdrawing charges lie? Does it lie with the judge before the court, or does it lie with the Crown attorney who has agreed to withdraw the charge?

**Mr. Chairman:** Mr. Langdon.

**Mr. Langdon:** May I respond, Mr. Minister? In the usual non-complicated case the practice is for the police officer to lay the charge. Now in the majority of cases it is on that charge that the defendant proceeds to trial—that is, the charge laid by the police officer. However, in more complex and complicated cases the police officer either will consult with his local Crown attorney before deciding what charge to lay or, alternatively, after the police officer has exercised his own discretion and laid the initial charge, the Crown attorney will step in and decide that he wishes to change the charge or adjust it in some way. The final decision is made by the Crown attorney acting as your agent, Mr. Minister.

**Mr. Lawlor:** And in the carriage of that before the courts, if he decides subsequently that the charge was for one reason or another not valid or hasn't got the evidential value, does he have the right to withdraw? Or can a judge say to him, "No"? First of all, judges do say, "What is your reason for doing this?" Does he have to reply to a judge on that account?

**Mr. Langdon:** May I respond, Mr. Minister? Yes, the usual practice, as a matter of courtesy if not as a matter of law, is for the Crown attorney to seek the permission of the court to have a charge withdrawn, and in some situations the court will not grant its permission. The court will insist that the accused be arraigned on a charge and that the charge be dismissed if the Crown attorney offers no evidence.

The more usual case is for the court to accede to the request of the Crown counsel and permit the charge to be withdrawn, provided always that the Crown counsel has no improper motives in withdrawing the charge. The court may always require the Crown counsel to disclose his reasons for requesting that a particular charge be withdrawn.

**Mr. Lawlor:** Are you aware that some Crown attorneys force counsel to go into consultation with the police officer who initially laid the charge to get his permission for the withdrawal?

**Mr. Langdon:** May I respond to that, Mr. Minister? No, I am not aware of that, Mr. Lawlor.

**Mr. Lawlor:** Do you think that's an improper practice?

**Mr. Langdon:** Yes, I do, Mr. Lawlor.

**Mr. Lawlor:** Is that not the proper role of the Crown attorney to make his decision on that count?

**Mr. Langdon:** No, I do not agree that's a proper position for the Crown counsel to take.

**Mr. Lawlor:** I suppose there's no harm in calling a police officer into his office in the presence of counsel for the defence to let him know what's going on, though?

**Mr. Langdon:** No, I see no harm in that.

**Mr. Lawlor:** No harm in that, no. All right.

Just a word on the training of Crown attorneys. I notice the Crown attorney school at New College at the University of Toronto, had a two-week course which had been altered in recent years. The second course was at the National College of District Attorneys at the University of Houston; a four-week course there. Do you send anybody down to Houston to get clued-in as to how to be a Crown attorney in Ontario?

**Mr. Langdon:** May I reply, Mr. Minister? Specifically was that question on Houston, Mr. Lawlor?

**Mr. Lawlor:** Yes.

**Mr. Langdon:** I don't recall anyone having gone to Houston in the last year or so, but generally—

**Mrs. Campbell:** Can you think of anywhere else they go?

**Hon. Mr. Welch:** Is there any other place?

**Mr. Langdon:** —one or two members from the Crown attorney system, perhaps as many as five, will go down to the United States, usually to the course at Northwestern in Chicago once every year. I believe that's a week's course. We send from one to five people every year to that.

**Mr. Lawlor:** You know, one of the—

**Hon. Mr. Welch:** Excuse me. The Crown attorneys themselves have an association and I think they do provide some—

**Mr. Lawlor:** You throw them a dinner every once in a while.

**Hon. Mr. Welch:** No. They have an association to which the Attorney General is invited.

**Mr. Lawlor:** I see.

**Hon. Mr. Welch:** I think they have some in-service programmes of their own, don't they, as members of the association?

**Mr. Langdon:** Indeed yes, Mr. Minister. It's a very active association. There's an annual meeting every spring and very often additional meetings throughout the year.

**Mr. Lawlor:** What is your department doing in order to rectify certain abuses which have been set out in the Law Reform Commission report? There are half a dozen of them at least and I'm not going through every one of them. One of them, for instance, is the business of Crown attorneys being paid on a fee basis. There are four of them, as I understand it; there may be more, there may be less at this stage.

**Mr. Langdon:** There are four, Mr. Minister, in the province.

**Hon. Mr. Welch:** That's just a matter of or a way for them to complete their time because we are not replacing fee Crown attorneys with other fee Crown attorneys.

**Mr. Langdon:** That's precisely so, Mr. Minister.

**Mr. Lawlor:** Is it the intention, could I ask, to alter the legislation in such a way as to nullify that?

**Hon. Mr. Welch:** Certainly the practice is not to continue it at all. I don't know that there's anything else I have to do to make sure it doesn't happen.

**Mr. Langdon:** There are three practising.

**Hon. Mr. Welch:** Four.

**Mrs. Campbell:** They aren't sure.

**Mr. Lawlor:** I trust the minister is aware of the snarls and complications involved with certain Crown attorneys—I think probably all Crown attorneys in the province—being clerks of the peace in their various areas? Aren't they?

**Mr. Langdon:** Except in Toronto, Mr. Minister, every Crown attorney is ex-officio clerk of the peace. In Toronto there's a separate official. No, that was abolished; that's right.

Now all are clerks of the peace for their various counties. There was a separate clerk of the peace in Toronto, Mr. Piper, until a year or so ago when that appointment was eliminated.

I might qualify one thing I said earlier, Mr. Minister, when we talked about there being four fee Crown attorneys in the province. Those four men are not, strictly speaking, on fee in the normal meaning of that word; they are paid a fixed annual sum. The four incumbents in question are Mr. Parkinson in Dufferin county who gets \$13,400 a year; Mr. Collins in Haldimand, \$15,200; Mr. Whaley in Oxford, \$19,500; Mr. Proulx in Prescott and Russell at \$16,500. The difference between these four individuals and a normal Crown attorney is that the four so-called fee individuals don't get any pension benefits. They're not members of the public service but they are permitted to carry on their own law practices on the side which a regular salaried Crown attorney is not permitted to do.

**Mr. Lawlor:** The particular entanglement which I'm concerned with is contained at 91. It says:

The County Court Judges' Criminal Courts Act provides that the clerk of the peace for the county or district court is a clerk of the court constituted under the Act.

The result of this strange legislative tangle is that the Crown attorney is the clerk of the general sessions of the peace and of the county court judges' criminal court, but the duties are performed by the clerk of the county court. It follows that this statutory circumlocution can be avoided by simply conferring on the clerk of the county and district court the powers and duties of the clerk of the peace. Keep the other guys out. Are you giving this any thought?

**Mr. Langdon:** Mr. Minister, if I might assist you on that, these anomalies have been recognized and presently the Crown Attorneys Act is being considered for revision. This is one of the matters that will receive attention.

**Mr. Lawlor:** Oh, that is the answer I want. So it is up for grabs at the moment. We may see the minister finally issue forth with progeny, namely, a bill on the order paper some afternoon in this particular regard.

**Hon. Mr. Welch:** That won't be the only bill. Just wait and see. Just let me out of here and I'll show you.

**Mr. Lawlor:** Well, it's nice to see the Attorney General give birth on occasion.

**Hon. Mr. Welch:** Just let me out of estimates committee and I'll show you.

**Mr. Martel:** Is that a threat or a promise?

**Hon. Mr. Welch:** A promise.

**Mr. Lawlor:** One of the hangups in the operation of the courts and the Crown attorneys is that there is some kind of misalliance between Crown attorneys and the police. Police seem to have some suspicion of Crown attorneys up to a point insofar as they will not give them these dope sheets on a filling-in on the case until the eve of the trial.

Let's take it at the provincial court level. In the morning he arrives in his office at 9:15. He's to try—what?—73 cases that day. When he arrives, it's placed in front of him on the desk and this is the first time he is really aware of what it is. There is some talk of this being a deliberate act on the part of the police, that they don't want the Crown attorneys to know too far in advance. As to why that should be so puzzles me. The more cynical side of my nature may operate there too, but in any event is this a trouble that you have encountered, that you are aware of and know about?

**Mr. Langdon:** May I respond, Mr. Minister, with your permission?

No, it isn't, Mr. Lawlor. That has not been my experience at all. As Crown counsel for 20 years I have never encountered any difficulties in getting any dope sheet when I wanted it, provided my request wasn't unreasonable. In other words, if I wished my brief well before the date fixed for trial, I've had no difficulty from the police in getting the brief ahead of time so that I could study it.

Those Crown attorneys who wait until the day of trial before receiving their confidential instructions, in every case could get their confidential instructions well in advance of that date simply by asking for it.

**Mr. Lawlor:** I see.

**Mr. Langdon:** It is no real problem at all.

**Mr. Lawlor:** Well, in just one sentence on page 112 it says,

It has also been suggested that some police officers are reluctant to disclose the Crown's case too far in advance of the hearing.

**Mr. Langdon:** To the Crown attorney?

**Mr. Lawlor:** Yes.

**Mr. Langdon:** I completely disagree with that.

**Hon. Mr. Welch:** Are you sure that's how the sentence reads?

**Mr. Lawlor:** Well, let me read the sentences from the report:

It has been suggested to us that the root of the problem, where there is lack of preparedness for trial, lies with the police.

First, it is said, there is a disinclination to send instruction briefs by mail lest they be lost. [That's understandable.] In some cases, this may be valid but the problem would not appear to be insurmountable. It has also been suggested that some police officers are reluctant to disclose the Crown's case too far in advance of the hearing.

**Hon. Mr. Welch:** Yes. To whom?

**Mr. Lawlor:** Well, to the same people they are sending it to, I would read from that.

**Hon. Mr. Welch:** Yes, but that doesn't necessarily mean the Crown attorney.

**Mr. Lawlor:** Who the devil are they going to disclose it to?

**Hon. Mr. Welch:** What about the defence lawyer coming to the police and asking?

**Mr. Lawlor:** He always does it through the Crown attorney.

**Hon. Mr. Welch:** Don't misunderstand me.

**Mr. Lawlor:** He usually does it through the Crown attorney.

**Mr. Chairman:** In any event, you have your answer, Mr. Lawlor, although you don't have your answer to your problem in connection with the interpretation of the Ontario Law Reform Commission report.

**Mr. Lawlor:** Recommendation 15 says:

An instructing Crown attorney should be appointed, to be located at "old city hall" in Toronto, to be responsible for the establishment and maintenance of the information flow between the police and Crown attorneys with respect to cases in this court, and under the direction of the Crown attorney and deputy Crown attorney for the assignment of the assistant Crown attorneys to the courts.

Let's turn then for a moment to plea bargaining. I'm not going to play my hand in this initial statement. I want to throw the ball into your court. What do you think about it?

There is a lot of controversy going on in the province as to whether it is legitimate or illegitimate. The Law Reform Commission has come out pretty strongly, saying it's a vicious procedure. I will play my hand a little bit: I don't think it is. I think there is great validity in it as long as safeguards are built in to plea bargaining—and not just for reasons of expediency; that is, because the court lists are overwhelming. I don't think that is particularly true any more in most of the criminal courts and the provincial courts of the province.

Well, let me not go too far. I was into the one in Etobicoke the other day, and I thought I would have to come on, say, in a few weeks time. But I found the court list is so clogged, I wouldn't have to come on until July. I was infinitely grateful and walked away, knowing that this House would probably be in recess at that time. I may get into that as to what your case loads are, but as to the main problem there, the bargaining, surely your ministry has formed some kind of desideratum on that?

**Hon. Mr. Welch:** Well, Mr. Chairman, although I cannot put my hand on it right now, it seems to me that under some questioning in the House, in response to some public interest on this question, my predecessor did make a statement of general ministry policy on this matter, setting out certain conditions within which he felt that plea bargaining would be acceptable. I think he laid down about seven or—

**Mr. Langdon:** Nine guidelines.

**Hon. Mr. Welch:** Seven or nine guidelines—I haven't got that statement here, but it was a fairly clear statement at that time. Perhaps, Mr. Langdon, you could assist me in that. I can't seem to find it.

**Mr. Langdon:** Yes, that is quite so, Mr. Minister. I didn't bring the guidelines with me today, but your predecessor did place them before the House at about this time in 1972. They were basically similar to the guidelines set out in the report of the Law Reform Commission, from which Mr. Lawlor is reading. Essentially they were the same. They were rephrased, and I believe there are more guidelines than in the Law Reform Commission's recommendations. They were condensed by the Attorney General.

**Mr. Chairman:** Would you like another copy of that, Mr. Lawlor?

**Mr. Lawlor:** Would you? Thank you very much.

**Hon. Mr. Welch:** We can make a note now and perhaps I can provide Mr. Lawlor with another copy of that.

**Mr. Lawlor:** I must have nodded that day. I don't remember going into that to any extent. Well, I think I am satisfied with this.

**Mr. Chairman:** Shall item 2 carry?

**Mrs. Campbell:** I have one question in connection with summonses. I don't know the operation of summonses in the criminal division. Does it come under the court system or does it come under the Crown attorneys system?

**Hon. Mr. Welch:** I guess the whole question of summonses would be under vote 1206, wouldn't it?

**Mrs. Campbell:** I see. Thank you.

**Mr. Chairman:** Carried?

**Mr. Lawlor:** Just one more question. I think that once in a while we should talk about money. That's what estimates are supposed to be for.

Looking at the first two items, wages and salaries have gone up, but there's no use mentioning that—that's a fact of life—but employee benefits have escalated very greatly. Why is that in this field?

**Mr. Pukacz:** The employee benefits have increased from 10 per cent to approximately 12.5 per cent by reason of a new arrangement for insurance and because the unemployment insurance rates, the federal rates, went up last year by about two per cent, I think.

**Mr. Chairman:** Does item 2 of vote 1204 carry?

Carried.

Does item 3 carry?

**Mr. Lawlor:** Item 3. What have we got there?

**Mr. Chairman:** Is there anything on that?

**Mr. Lawlor:** Bear with me, just for a moment. This area somewhat concerns the business of outside counsel. I think we were getting some information on that under other heads. Just for my own purposes, I would

like to see the breakdown from ministry to ministry of that \$3 million—not right now—

**Mr. Pukacz:** On the next page?

**Hon. Mr. Welch:** Page 33 of your book.

**Mr. Lawlor:** No, no, no. That is the number of legal officers. It doesn't show the amounts of money seconded from one department to another to total this sum of \$3 million.

**Mr. Chairman:** Mr. Lawlor, I don't wish to—

**Mr. Pukacz:** This is reflected in the staff which we have got on the next figure. There is—

**Mr. Chairman:** May I interrupt? They are ready for the vote in the House, and if you are going to be some time, then I think we should rise.

**Mr. Lawlor:** All I want is a breakdown by department of how much they are paying. That's all.

**Mr. Chairman:** Shall we carry this item then?

Carried.

We will meet at 8 o'clock then.

**Hon. Mr. Welch:** And that completes vote 1204?

**Mr. Chairman:** That completes vote 1204, yes.

Vote 1204 agreed to.

**Hon. Mr. Welch:** We'll start vote 1205 at 8.

**Mrs. Campbell:** And at what point, Mr. Chairman, will you have your whip round up your members, so we don't sit at 8:30?

**Hon. Mr. Welch:** Be here at 8 o'clock and we will proceed.

It being 5:50 o'clock, p.m., the committee took recess.

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Ontario. Legislative Assembly

# Legislature of Ontario Debates

## ESTIMATES, MINISTRY OF THE ATTORNEY GENERAL

Standing Administration of Justice

[Committees]

Chairman: Mr. J. A. Taylor

OFFICIAL REPORT — DAILY EDITION

Fourth Session of the Twenty-Ninth Legislature

Tuesday, April 23, 1974

Evening Session

MAY 17 1974  
UNIVERSITY OF TORONTO

Speaker: Honourable Allan Edward Rock

Clerk: Roderick Lewis, QC

THE QUEEN'S PRINTER  
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(Daily index of proceedings appears at back of this issue.)

# LEGISLATIVE ASSEMBLY OF ONTARIO

TUESDAY, APRIL 23, 1974

The committee resumed at 8:10 o'clock, p.m.

## ESTIMATES, MINISTRY OF THE ATTORNEY GENERAL (continued)

On vote 1205:

**Mr. Chairman:** We are now dealing with vote 1205, just the one item. Mr. Lawlor.

**Mr. P. D. Lawlor (Lakeshore):** Mr. Chairman, with your indulgence, tonight I want to give credit, such as it is, for what I have to say to my colleague, James Renwick. Well or ill-presented, the notions I am going to bring before the minister and yourself are basically his; he is speaking in the House and cannot attend at this time.

What he has asked me to do is to run over for a few moments how the certain improvements, the certain basic improvements in the way bills are brought before the House, might very well be made. I lay it out for you to see just what kind of reception we get and whether you give it good consideration. His basic concept was based upon the presentation of the bills in the House of Commons, and I believe in the British House of Commons too, and it is in two parts.

Now the first part is this. We have taken a typical bill, say, Bill C-131, which is a bill having to do with business enterprises, a review of the assessment of efforts to control Canadian enterprises. In section 2 of that bill, not by way of preamble incidentally but written into the very texture of the bill, is a clause called "Purpose of Act." At the risk of boring you I want to read a bit of that.

This Act is enacted by the Parliament of Canada in recognition by Parliament that the extent to which control of Canadian industry, trade and commerce has become acquired by persons other than Canadians and the affect thereof on the ability of Canadians to maintain effective control over their economic environment is a matter of national concern and that it is therefore expedient to establish a means by which measures may be taken under the

authority of Parliament to ensure that, insofar as is practical after the enactment of this Act, control of Canadian business enterprises may be acquired by persons other than Canadians and new businesses may be established by persons other than Canadians—

And I'm going to stop reading at this point. The context is not important. The content is but an after. What the bill does by doing this, I suggest to you, is tell what it is trying to do. It tells the layman, first of all our fellow colleagues in the Legislature and in the Parliament of Canada who are not lawyers—who pick up the bill and at the very beginning get a simple rendering of it, not full of legalese and jargon and all kinds of tripe, but a simple rendering—what the devil the thing is all about. There it is, it is laid out in terms of the Act itself. Secondly, and I think you will agree with me that it is just as important from a legislator's point of view, and therefore for efficacy of legislative draftsmen, that the judiciary be clued in as to what a piece of legislation is all about.

You know that everybody from the House of Lords on down spends a good portion of public money and their own time in lucubrations about what a piece of legislation is designed to do, what is its overall context. While they will accept in the Supreme Court of the United States a brief which feeds into them a diversity of information as to purpose, context, direction and perspective of the legislation, that is not permissible in the British system and the whole of the judiciary is excluded; excluded pretty well from everything. By definition of law, they can't take a look at royal commission reports in order to inform them of what the ingredients were. I know it is all ridiculous and ludicrous for any civilized, sane mind to think that it can construe statutes in a complete vacuum, but such is the British mentality of these things, of which we are children, and so they can turn nowhere.

Unless it is spelled out within the terms and context of the legislation itself, they have to grope around in some kind of abysmal darkness, largely self-created. True, it is well-known that a judge on occasion will slip into

the library and take a peak at Hansard; but he'd never dare breathe that, not even to a crony and this would be the last thing, certainly, to appear in the judgement of the court. It is a kind of an illegitimate piece of back-corner activity that is performed.

Why should that be so? But I don't want to tackle that overall issue. That is another problem.

Some of our legislation, to overcome that, I believe does that. But here in an ordinary statute of the government of Canada they have written a "purpose of" clause into the thing in simplistic language and well-directed. There is a subclause here. Just let me mention it to you, because it is infernally interesting. "Factors to be taken into account in assessment"—by and large we don't write into the legislation what the factors are that may be used by way of assessment in coming to any particular determination. Remember the Aeronautics Act of Great Britain; it had a whole host of them.

We argued about an Act last year which was before Rene Brunelle, I believe, on the grounds and basis upon which a determination of certain assessments might be made. It was left completely in the void. No direction was given to the judiciary, and the minister had total discretion. How on earth can the legislation really be efficacious in that particular regard?

They ask, in assessing for the purposes of the Act if there were any acquisitions of control of Canadian business enterprise, or if there were any new businesses established that are likely to be of significant benefit to Canada. The factors to be taken into account are a, b, c, d, e—one after the other. 'E' terminates that series of assessment.

And, again, surely it must be bowed before and agreed to that this kind of writing of legislation is highly desirable and very much needed in this province at this time.

Let me supplement those remarks as to the perimeter argument with reference to another bill of the federal House, Bill C-227, to amend combines investigation. When we have these come before us in the House, amending existing legislation, we are left totally out of context—totally in the dark.

In the federal case, what they do first of all is set out the definition section. Over on the explanatory note side of the page they say, for instance in this one, that the definition article in section so and so of the combines investigation Act is repealed and the following substituted therefor, and they put the word "article" in there, making it very

clear on the page that this is the amendment. Over here, they say:

Clause 1, sections 1 and 2, for the purpose of this amendment is to extend the definition article as presently contained in the Act and to modify the definition of business in consequence of the proposed extension of the application of the Act to services. The present definition article in business reads as follows . . .

And they do that all the time.

It is not so bad for a lawyer like myself to pick up your Bill 27, the Retail Sales Tax Act, and see that there are going to be certain amendments to section 5 of subsection 1 as amended by chapter 22, section 4, of subsequent legislation. And the Act says there are going to be additions, section 20 for used clothing and footwear.

What I have to do, and what every hon. member of this House has to do if he is going to do a good job at all, is to go to the statutes, the amending statutes and to the red books, and read the main clause. Then I have to set it up in context and reorient it to see that the whole thing fits in. And in every minor amendment that has to be done, if you are doing a job, you have to treat it faithfully.

Two or three times we caught you out on something, but it has always turned out in your favour and you deserve enormous credit for the pertinacious, detailed and very fine work that is being done.

What I am begging for is that for the benefit of other hon. members of the House, members who are not lawyers, who don't know the literature at hand, or at least who don't use it easily, why shouldn't a piece of legislation that comes before us be what we would say was self-contained, like the amendments in the federal government legislation? It's self-contained.

The earlier sections, the ones that are being eliminated, are set out so that you see, in contrast, immediately in front of you, what's being done. It's laid out for you perfectly and, I suggest, with less jargon than is utilized in our House, by and large, and no outside reference is needed. It's self-contained and beneficial from that point of view.

Secondly, you don't need to be a lawyer. You could, I suggest, if you were so disposed, read through a bill like this one from the federal House with some degree of pleasure. If I weren't a lawyer, just a layman, I could understand it. First of all they tell you what it's about. You go from section to

section; you see it all out and by the time you've finished your reading you've got it all there—and not there, there and in half a dozen other places as it is with us at the present time.

Those are the basic nostrums that my colleague from Riverdale came to a conclusion on having been, I suppose, studying certain federal legislation somewhat intensively of recent date. I want to back him up, and I would very much solicit the goodwill of the legislative draftsmen in this particular regard; and of the minister, who after all has the final say on bringing such a recommended change into being.

Again I say, and finally, that even for us who are lawyers, it's onerous; and unnecessarily so. For our colleagues who are not lawyers and who are responsible for vast diversities of legislation, it must be a positive puzzle in most instances and sometimes in other situations a kind of agony of mind trying to get through the legislation, particularly if it has many references and many amendments.

Thirdly, we exist for the general public. Any intelligent layman would be able to read this legislation which again is self-contained—any person out there without the high qualifications and without all kinds of educational background. Don't we have a profound obligation to such people to make the legislation as readily available, in as capsule a form, in as facile a way if you will, in the most immediate way, that we possibly can? We owe it to the public to do this.

Again, the commission has a section on this about the unnecessary verbosity, intricacy and whatnot involved in the drafting of legislation and in what is being done at the present time in our laws generally. A real effort, a determined effort—and we mention this year after year—must be made toward simplification.

It's not impossible, as I'm pointing out, in certain pieces of legislation. There are kinds of legislation, particularly the tax Acts, where we're just not going to effect that and that's too bad, but we have to recognize the facts of life.

In most other instances this is possible. I would ask you to set your will to it and your mind to it and to try to bring about a change of this kind which will be highly beneficial to the whole population of Ontario.

**Mr. Chairman:** Thank you, Mr. Lawlor. Mr. Martel.

**Mr. E. W. Martel (Sudbury East):** I wanted to add to that. We went through this last year, Mr. Minister, with your predecessor, (Mr. Bales) and of course he indicated that he would look at it and give it consideration. As one of those who is not a lawyer, I made the same complaint last year. When I have the statutes in front of me I could have six or seven different books, and for someone who is not trained it is very difficult.

I've seen cabinet ministers, and I'm not trying to slight anyone, who have been caught in a bind on the House floor and simply have to start immediately sending notes to their legal counsel because they, too, are in a bind. It's always been a mystery to me why it can't be put in language that lay people can understand. I don't think I can put it more simply than that.

Maybe I'm just a slow learner but I have found going over legislation to be atrocious. I would suspect, Mr. Minister, that if you were to take an honest poll in the Legislature of the members who actually read the bills the number would be very small. I would suspect, beyond the legal people in the House, that most of us never read the bills. We might read some of the footnotes, but to go through the agonizing task of digging out all kinds of volumes to try to fit it in in the proper place without any knowledge of the law behind us just makes it too difficult. I bet an honest assessment of the Legislature would show that.

Some lawyers probably will read the legislation, but none of us have that kind of time doing the type of constituency work that most of us find ourselves involved in, such as being a critic of a ministry, going to meetings and what not, and travelling a great deal. We haven't got time to spend hours trying to fit one little piece of legislation a page and a half long. It can take you hours just to sort it out as you trace it through all the volumes.

It is meaningless to the public, and it is meaningless to most of us in this House. I suspect most people would still vote the same way, but it might be interesting to see how some members would react to some of the legislation if they took time to read it. Who is going to do so when there aren't enough hours in the day now?

It seems to me we go through this year after year, the same complaint. I saw your staff smiling when the member for Lakeshore started to make his comments. They know we have been saying it.

Now maybe they understand it; they must in order to do the job they do. But it is an

impossible task; and that is why people don't know what the hell is in the laws.

**Mr. Chairman:** Mrs. Campbell?

**Mrs. M. Campbell (St. George):** Mr. Chairman, I recall last year when Mr. Martel and I were going through—and I can't remember the bill—the tortuous process of trying to refer back and refer back; and it sought to amend something that we couldn't even find between us.

**Mr. Martel:** We had Mr. Rutherford with us I believe.

**Mrs. Campbell:** Yes, it finally got to him. I don't mean it in any derogatory sense. I just meant that we could not find the referrals that we had to have in order to understand the full implication of the legislation. So I asked, I think, if Mr. Rutherford would meet with both of us and would he produce some of this material that we had been unable to locate.

You know, we have had so long under British law that trite expression, which goes to the root of our system, that "ignorance of the law is no excuse." But as the law gets more complex and as the actual statutes get more complex in their revision, I am beginning to wonder if anybody can honestly apply that principle any more.

I won't go so far as Mr. Martel does in suggesting that people don't read the bills. I think probably most people do try to read most of the bills. But it is the digging behind the bill that is the time-consuming thing, and I would think that there aren't too many in the House who do that kind of digging.

I don't see how it can continue in this way without making it clear to people exactly what the meaning of it is. It is almost as though you don't want us to know what you are doing. You are daring us to take the time to really find out what it all means. I would subscribe heartily to what has been said in these cases because—

**Mr. Lawlor:** They don't know how successful they have been.

**Mrs. Campbell:** Well, I am not going to give them any hope, I will tell you that. I am going to indicate that we have worked assiduously to find these things and we even go to Mr. Rutherford or somebody else for help, but I don't see that we should be taking up Mr. Rutherford's time this way; or that we should be requested to do this sort of thing.

Certainly if it can be more streamlined so that we can all look at the bills and carry out the functions for which we are here in some kind of reasonable fashion, then that is surely a goal for us to seek out.

I wonder too, since I note one of the functions of the legislative council services is to provide legislative advice to ministers of the Crown, I wonder just to what extent there is any kind of liaison with the people who may be affected with the Legislature. I'm not talking about tax legislation. I'm trying to understand what kind of a real upheaval can result with something that hasn't really had adequate consideration here.

The one example I can think of was the amendment which gave maintenance to children beyond the age of 16. I'm not going to quote the amendment properly—I've tried to forget it, I guess—but the amendment raises the question that if these children were in regular attendance at a duly qualified educational institution, and you know this definition really was something that had to have a lot of interpretation. I wonder what kind of thought went into it before it was enshrined in legislation? It did cause problems. It should have been something that one would have looked at more carefully.

If advice is given, I would hope the people getting it would have some way of knowing something of its effect at least, so that they could advise the ministers of the Crown as to ways and means to preclude this kind of confusion.

**Mr. Chairman:** Do you care to respond, Mr. Minister, to those remarks?

**Hon. R. Welch (Provincial Secretary for Justice and Attorney General):** Mr. Chairman, it is obvious, of course, that a very substantial part of our duties here is to give consideration to the legislative programme. Naturally, we want to be satisfied that members have at their disposal sufficient information upon which to bring judgement to bear in connection with any legislative proposals.

We have a legislative counsel here and I'm sure he would be in a position, perhaps, to comment on some of the practical applications of the comments.

I might say as the minister responsible, as Mr. Lawlor reminds the committee, that I almost hesitate to use the language of my predecessor to say that I will take this matter into account, because here we are again "taking it into account." But I can assure him, that even if I were to use that particular expression I would want to work with the

legislative counsel and his staff to see what we might do to improve—if improvement is necessary—the presentation of legislation. I would want to present the legislation in such a way that it would be easy to understand and in fact relate to the current legislative programme, to which Mr. Martel refers.

It would seem that we would have some practical advantage in asking the legislative counsel himself, perhaps, to comment on some of these points.

**Mr. Chairman:** Mr. Alcombrack.

**Mr. Lawlor:** May I just make a remark before we do? It's just that this year, rather than simply wringing our hands and doing a little dance, we are making some fairly practical, down-to-earth proposals to him.

**Hon. Mr. Welch:** I take note of that. I think that really there have been some specific suggestions here which are certainly worthy of exploration. I would welcome Mr. Alcombrack's comments to the committee at this time.

**Mr. W. C. Alcombrack** (Senior Legislative Counsel): First of all, in answer to Mr. Lawlor's comments in relation to either a preamble in a bill, or to an object or purpose section in a bill, I think the federal parliament does much the same as we do. Maybe it does it more often than we do. But some of our bills, for instance the Labour Relations Act, the Ontario Human Rights Code and some of our special Acts in relation to collective bargaining in certain specific fields and so on, either have a purpose section in them or a preamble to the bill.

There are certain areas where this is helpful, but in other areas I am not too sure it is helpful, it may be a detriment because what you are doing in the Act itself is trying to set out, actually, what the Act does and what the administration is and what the enforcement provisions are, and so on; and the court interprets the words that you use in those sections. Now when you put a preamble or a purpose section in, of course, it is superimposed over everything; and unless that preamble or purpose section is exactly *ad idem* with the provisions that you put in the Act, you may well get an interpretation that you didn't intend in the legislation; and this is a real problem.

I understand what you are saying and I agree with it, but only so far. I think it would be a problem if you tried to put that into every bill. But I think there are places for it.

For instance the Ontario Human Rights Code: I think that is a natural place, where you are trying to indicate exactly what you are trying to be drafted with words that are there for interpretation by the courts. Therefore they must interpret those words in relation to the object of the whole Act; which isn't true of course in a lot of other statutes. For instance when we are dealing with licensing, particular powers and duties of organizations or certain other fields, in those areas you might be in trouble putting in a preamble or something like a preamble.

**Mr. Lawlor:** Just on that, though, I would just put it to you it isn't done half enough. In initial legislation, opening new fields particularly, we just don't do it. We start on the definition section, that is where we start, and I expect that already has the layman hanging out in mid field.

**Hon. Mr. Welch:** If I could just interject, without appearing to be minimizing the importance of the points you make. Of course as you know usually when new fields of legislative activity are being introduced, the minister usually makes a statement on first reading with respect to the intentions.

**Mr. Lawlor:** It doesn't help the man out there; it doesn't help the judiciary.

**Hon. Mr. Welch:** The only point is that, just as far as Mr. Alcombrack is concerned, I think that what I invite the hon. member to consider is whether or not he wants statements of purpose to really form part of the legislation. And from the standpoint of it being an integral part of the legislation, as opposed to a statement by the minister outside of the actual wording of the legislation indicating the purpose of it, I think there is a distinction.

**Mr. Lawlor:** But your statement made has no effect on the courts.

**Hon. Mr. Welch:** I know, but the point is if you want things to be enforceable—in other words to be part of the legislation—then it has got to be in the sections of the bill and not just in some general statement.

**Mr. Lawlor:** I want the intent of the government to be known.

**Hon. Mr. Welch:** I am sure that is going to be obvious in the content of the bill.

**Mr. Lawlor:** I am afraid it is not so.

**Hon. Mr. Welch:** I think this is the point you are trying to make, or at least as I understand it.

**Mr. Alcombrack:** I agree basically with what Mr. Lawlor says, but we are going to have to be careful when we are setting up a bill as to whether we think it should have a preamble in it or not, and I don't think there are too many places where a preamble is necessary. It would be a detriment in most cases.

**Hon. Mr. Welch:** I hope we agree that the Legislature legislates.

**Mr. Lawlor:** Oh well, I think I go along with that.

**Hon. Mr. Welch:** And that we are not opening up an area for judicial legislation on the basis of the intent section.

**Mr. Lawlor:** By not having your preambles and "purpose of" clauses, you open up very wide barn doors for judicial legislation. That is precisely what is happening. And the judge's don't want it. They resent it. They are not elected.

**Mr. Chairman:** Further discussion on item 1? Item 1 carry?

**Mr. Lawlor:** How about the second one?

**Mr. Alcombrack:** May I go on and discuss these points that have been brought up? I think you were talking about the amendments to the various Acts in the federal House and how they set out their explanatory notes and how they set out their sections. Now they follow a whole different pattern than we do in that they don't amend anything. They re-enact everything, and consequently that creates a tremendous volume of words in their legislation.

As you know, many of our sections, particularly when you get into tax legislation and some of these more involved statutes, are fairly lengthy sections. Some of them are a page or a page and a half. If you want to make a small amendment the way we do it, perhaps taking out two or three words and putting in one or two others or perhaps just taking some out—they don't do that at all. They re-enact everything even though it means setting the whole thing out again.

We used to, as you probably remember. When we amended we used to say, "so that the section shall read as follows," and we used to set it out. That got us into a tremendous volume of words in the statutes and we were getting tremendous bills by setting everything out again, so we decided, in discussion with the Attorney General, that perhaps we shouldn't do that, we should only

amend; but we should have a rule that we should re-enact when there was a change in principle or something of that nature. When it was purely a matter of changing a few words or when they could be easily explained by the minister or in an explanatory note, we decided we would go ahead with the amending provisions. That is what we do now.

As far as the notes are concerned, there is one problem in the explanatory notes. We try in the explanatory notes only to indicate what the amendment does, not the reasons for it or the results of it or anything. That is up to the minister to explain in the House. All we try to do is to put out, in as brief a form as we can, what the section actually does and nothing more.

**Mr. Martel:** On that point: You see that's where the other members of the House do have difficulty. The minister in any ministry can immediately call in his legal counsel and have it explained very readily. That sort of service is not available to the rest of the members of the Legislature, which then leads us to spend hours trying to put it together, regardless of the political philosophy behind it.

Again it is up to the minister or the political party to decide whatever position they are going to take on any particular amendment—but to try to understand it! I can walk down the hall and ask Mr. Lawlor, but if he happens to be at a public accounts meeting by the time he comes out of there I am off to some other meeting in which I am involved. I am left in the lurch. Who explains it to me?

**Mr. Lawlor:** Neither one of us will ever understand it then.

**Mr. Martel:** There has got to be some mechanism established, either by simplifying the bills or making more legal counsel available to other members; but that doesn't help the general public. It can become a nightmare for a person who is not a lawyer.

Mrs. Campbell makes the point that most members read bills. What is the sense of reading a bill if you don't understand it? I can read a bill and it is a nightmare.

I just don't know; I don't think that is our function here. The minister himself said we are legislators; and part of that is understanding the legislation going through and being amended, regardless of the political philosophy behind it.

**Mr. Chairman:** Could you complete your remarks on that, Mr. Alcombrack?

**Mr. Alcombrack:** I was just going to say in answer to Mr. Martel—and Mrs. Campbell brought up the same point really—that in drafting legislation, of course, you must use, and hopefully we do use, language that is appropriate English language. But it must be done in a certain way that can be appropriately interpreted by the courts to carry out the policy of government.

That is not always the easiest thing because as soon as you put legislation out in the field everybody is trying to drive holes in it. Of course that is one of the problems with our particular work; we really don't get any thanks for it because every time we turn something out everybody is trying to find fault with it; but you get used to it after a while.

The big thing, I think, is the language used. We try to use appropriate language. Sometimes it must get very technical and sometimes very difficult but I don't think anyone can expect to really understand a statute—not all statutes anyway; some of them are very difficult—unless you have a real knowledge of the subject matter.

There are so many people who try to read a statute without knowledge of the subject matter and wonder why they can't understand it. You'll never understand it unless you have knowledge of the subject matter; that's the basis of interpretation to start with.

**Mr. Martel:** What you're saying then is you're relegating everyone else and the only people who should be in the Legislature then should be lawyers.

**Mrs. Campbell:** No.

**Mr. Chairman:** He doesn't say that; on the contrary.

**Mrs. Campbell:** That's right.

**Mr. Alcombrack:** There's no way you can draft legislation and have people understand it unless they have a knowledge of the subject matter. If I wrote you a letter on a certain subject matter that would normally be put into statute form, and you put it before the courts for interpretation, I'd hate to think what would happen to it. It certainly wouldn't carry out the intention of the government and plug as many of the loopholes as you can possibly think of at the time you're drafting legislation.

**Mr. Chairman:** The member for Windsor-Walkerville.

**Mr. B. Newman (Windsor-Walkerville):** I was going to ask, Mr. Chairman, if there is no way of getting around these supercompound, complex sentences that are used, those that have 10 and 12 clauses in them. You'll find they may be half a printed page and all one sentence. I don't think the best English teacher in the world could understand it.

**Mr. Martel:** You're a teacher and you don't understand it.

**Mr. Alcombrack:** In most instances we try the best we can, if it's a lengthy matter that is really all one thought, to draft it in a clause construction.

As you'll notice, a lot of the legislation is drafted in a clause construction where you'll start off with a leadoff of three or four lines and then there'll be eight or 10 clauses. In other words, if you run it all together you'll never get the sense of it. We try to break it into clauses the best we can.

We also try, if there's more than one thought, to break it into subsections. We try not to put more than one thought in one section. It doesn't always work that way because sometimes it gets a little difficult in the drafting process. This is what we strive for, and hopefully that makes it a little more understandable.

I think it comes down to the basic thing that if you don't have a basic knowledge of the subject matter you're not going to understand the statute.

**Mrs. Campbell:** That makes it tough for judges, I would think, if that's the way you're looking at it.

**Mr. Alcombrack:** That doesn't apply to all statutes. If you take a taxing statute, for instance, it is very difficult for anyone to understand. Unless you really know something about taxation you're really not going to understand too much about it.

**Mr. Martel:** Statutes in education are complex, as my friends, Mr. Newman and Mr. Carruthers know. I think we know that field to some degree. Yet, again when you start to try to put it all together you still have tremendous problems. I do know a little bit about education—not all that much. You can get revisions to the statutes in education which become complex and you can spend hours trying to put it together.

**Mr. B. Newman:** Imagine writing a letter to a girl friend and using all of those clauses. She wouldn't know what you were talking about.

**Mr. R. F. Ruston (Essex-Kent):** Lucky.

**Mr. A. Carruthers (Durham):** She would sooner or later.

**Mr. Chairman:** Any other further comments?

**Mrs. Campbell:** Mr. Chairman, I think it is true, and I accept part of what was said. I find great difficulty, for instance, with some of the agricultural bills. It's quite right that I don't understand some of the things that are talked about there.

**Mr. Martel:** Too much fertilizer.

**Mrs. Campbell:** It's also true that I don't make it a practice to read those bills. I rely on the experts in our caucus. I have to make that confession.

Just as a simple matter, a bill was introduced today, An Act to amend the Ministry of Housing Act. There is a sentence with some clauses in it, but the explanatory note is quite interesting, because there it says that the added section authorizes the minister to implement recommendations made to the government on housing and related matters. In the section itself, it applies to recommendations made under section 7. According to the explanatory note, anything could happen if you had to rely on that. I think there is something to be said, Mr. Chairman.

**Mr. Alcombrack:** Mrs. Campbell, it may be that we should try to develop our notes. We try to keep them as brief as possible.

As a matter of fact, I've talked to the staff about this on occasion, indicating we should make our notes brief. On the other hand, we should indicate exactly what we're doing. We should give the reasons for it. It's for the government to develop the policy, give the reasons for it and what they expect it to do and so on.

It may be, in a case like that for instance, that perhaps the note should be expanded to a certain extent to indicate to you what section 7 refers to. That's really what you're getting at.

**Mrs. Campbell:** I don't keep these things in my mind, but it's an interesting point. The explanatory note would indicate that any person anywhere in the world might bring in a recommendation and the minister could act on it without bringing it before the Legislature. I don't think that's what was meant by it, and I think that the section clarifies and limits it to some extent.

**Mr. Alcombrack:** Limits it by reference, but what you're worried about is what the reference means.

**Mrs. Campbell:** Yes, I would gather that, of course. But this is the kind of thing I think we're talking about. Fortunately here one assumes there is a section 7 to which we can refer and we don't have to trace someone in your area of expertise to tell us where to find it. This, I think, is the case I'm formulating.

**Mr. Alcombrack:** We can well consider expanding the notes a little bit and that sort of thing, without, as I said, getting into the reasons for it or the results.

**Mrs. Campbell:** I don't think you should give the reasons. It's not your function. I think that's quite true.

**Mr. Martel:** Perhaps the minister would consider adding a couple of more staff members—putting a member from the legislative counsel service in each caucus.

My colleague can tell you that one of the hon. members is down to see him two or three times a day. Both he and Mr. Renwick are often looking for them.

I know we can avail ourselves at any time. Certainly I don't think any member has ever been refused any assistance requested. I don't want to imply that at all, but maybe someone could be designated to work with each caucus—not on anything political but just on straight gut talk and understanding. And this person would be available and ready.

The whole layout of this building mitigates against us running up to legal counsel. We suffer the problem with our research staff off in another wing and it's very difficult—

**An hon. member:** As long as you get there.

**Mr. Martel:** It just seems to me that if NDP members are running to Mr. Lawlor and to Mr. Renwick, I'm sure that Liberal members are acting in a similar way. I'm sure that Conservative members run to lawyers within their caucus for interpretations and that frequently they can't find them around.

**Mrs. Campbell:** The lawyers are run crazy.

**Mr. Lawlor:** In the Liberal Party the lawyers run to one another.

**Mr. Martel:** Maybe the minister would consider putting a representative in each caucus, as part of the caucus complement, for researchers and so on.

**Hon. Mr. Welch:** I'm not sure that would solve the problems that we're talking about, Mr. Martel. I think members of the Legislature realize that the legislative counsel do provide services for them. Secondly, I would assume that as a member of the Legislature that the services of a minister, or the ministry bringing in the legislation and his support staff, are available too from the standpoint of a general explanation with respect to the purpose of the legislation.

It's one thing to talk about the language which is being used to express the intent and purpose, but as the legislative counsel so correctly points out, I think it's important to have a grasp of what the subject matter is. Certainly I, as a minister, have had calls from all three caucuses asking for some helpful information. I've always made that available.

I think once the subject matter is understood it's amazing how much more intelligible the language being used to accomplish that purpose becomes.

I think, really, that on the basis of the point you raise, and to be very frank with you I don't hear of too many members of the Legislature expressing difficulty in getting access to the services of the legislative counsel. I do point out the correct theory, that hon. members do have access to ministry personnel to assist in explanation. I would think that that's perhaps the best way to leave it at the moment.

**Mr. Chairman:** Mr. Lawlor.

**Mr. Lawlor:** Mr. Chairman, *de ominimis non curat lex*. That's all I wanted to say.

**Mr. Chairman:** Thank you, Mr. Lawlor.

**Mr. Carruthers:** Do you charge for your services, Pat?

**Mr. Lawlor:** At £1 per Latin word; you don't get paid very much. I will say, using the words *de ominimis non curat lex*, I'll take very small gain from the Greeks if you just consider putting the present form of the clause that you're amending in there on your side note, that by itself would be very helpful.

**Mr. Chairman:** Are there any further comments on item 1?

**Mr. Ruston:** I just find one province stands out.

**Mr. Alcombrack:** One province does, I think, that I know of.

**Mr. Ruston:** In my own case, since I am a layman, the amendments to bills cause me the greatest problems. They are more difficult for me to understand than completely new legislation. I find that when a bill is amended I have to go back to the statutes trying to figure out what is meant. Amendments give the average layman more problems than a complete new bill, in my opinion.

**Mr. Lawlor:** I wonder how many members know how to use the Ontario statutes citator, really? Most of the members haven't even got it available and you don't supply it. We have to pay for it. It costs \$36 a year for the damned things.

**Mr. Chairman:** Further comments?

**Mr. Lawlor:** One other thing on the section itself, just to show the monumental work that these fellows do and how vital they are; in 1967 they drafted 149 bills, 112 were introduced. In 1973 they drafted 230 bills and 185 were introduced. Of the 185 introduced, 177 were passed. I didn't know there were so few passed over against the number that were introduced. That's really shocking. Some of those poor old bills fall by the wayside. I thought everything that came through went through the total mill and came out of the other side.

**Mr. B. Newman:** Those are all in Morty's name, aren't they?

**Mr. Lawlor:** These aren't the private bills; these are the government bills. Even the government bills fall by the wayside, not just Roy's.

**Mr. Ruston:** They have a change of heart once in a while you know, Pat.

**Mr. Lawlor:** Out of the private bills last year, 40 were introduced and 38 were passed. That's private bills. Private members' bills were 94. And curiously enough—and I don't quite understand this—there is a nil against the—well nothing went through.

**Mr. Ruston:** Batting zero.

**Mr. Lawlor:** I wonder what the purpose of doing that is? It seems kind of a waste of time.

**Mr. Martel:** An exercise in futility.

**Mr. Lawlor:** These poor fellows drafting away like mad and—

**Mr. Ruston:** There were 96 passed. What is the cost of drafting each one of those bills?

It might be a pretty expensive proposition while not getting any benefits out of it.

**Mr. Lawlor:** I notice in the second session of 1971 there were three private members' bills drafted and five that were introduced. It just shows the ingenuity of that House, eh?

**Mr. Chairman:** Thank you, Mr. Lawlor, for drawing these matters to our attention.

**Mr. Lawlor:** I am not finished yet.

By George, we hit a high peak, an Olympia, an Everest in 1971, when we filled up 2,134 pages in the statute book. Last year, in 1973, we only did 1,700. What a comedown.

**Mr. Alcombrack:** That was a split—there are two sessions there, of course.

**Mr. Lawlor:** Yes, that's right. Only 132 pages in the one.

**Mr. Alcombrack:** They were added to the length of the later one, the 1,700 one.

**Mr. Lawlor:** I added that. That's all. May as well get the monumental figure. I hope you are trying to outdistance yourself.

**Mr. Alcombrack:** This year will be just about the same as last year. It's getting to be the size of the book that will force us to keep this up. We are going to have to think about two volumes. I don't like to get into two because they happen to get lost sometimes and you don't know which one you are looking for. It's better if you can keep it all in the one volume.

**Mr. Lawlor:** You are telling government secrets out of school, I can tell you, because as far as I can see on the basis of the legislation thus far introduced, there is going to have to be a plethora of new—

**Mr. Alcombrack:** No; I was talking about 1973, the volume is just out. It was just sent to the Queen's Printer on Monday.

**Mr. Lawlor:** Well all right. On that, as far as regulations are concerned, 984 were drafted and 828 were filed. Quite a gap there between the amount of work. Whatever happens to the ones that don't get filed? Don't they come up to scratch or—

**Hon. Mr. Welch:** There are many reasons, I would expect.

**Mr. Lawlor:** Many reasons? I can't imagine going to all the trouble of getting to the stage with a regulation, actually drafting the damned thing, and then put it in

the wastepaper basket. This is sort of a curious pursuit.

**Mrs. Campbell:** The one thing I'd like to know is do you have any figures showing where regulations are drafted in one year and may not be passed until two years later? Do you get that?

**Mr. Alcombrack:** Not too many, no.

**Mrs. Campbell:** Other than the nursery day-care regulations which were held up for a considerable period of time.

**Mr. Alcombrack:** Not very many; no. That's unusual. Usually the ones that are drafted and are not filed are just dead then. It is work that we have done on something that is finally discarded.

**Mrs. Campbell:** I would like to know a little bit more. Why would they be discarded? What type of reason?

**Mr. Alcombrack:** Well, we may be working on a principle; it may have been indicated to us from the government that it would like to develop this principle. And as you know, drafting legislation is when you really start to see where the problems are. It is all very well to set out generally in a memorandum what the principles and policies are that the government wants, but when you start to put pencil to paper you then begin to go out on a tangent and see all the problems. Sometimes when we do that, we are unable to carry out the principle in the way that would be best suited to the particular subject.

**Mrs. Campbell:** If your method does not carry out the principle, would the function not be to see that it is drafted in such a way as to carry it out? Wouldn't this be preferable to coming back and saying that perhaps there is a little more than just draftsmanship involved?

**Mr. Alcombrack:** The principle may have looked very nice when it was developed as a policy to be promoted. But when you start to develop it into legislative language and put in all the safeguards that are necessary, it may come to the point where the administration of it, in order to protect the public, may become too difficult to deal with. Therefore it is not appropriate to carry that policy; so then it is taken back and rethought.

**Mrs. Campbell:** That wouldn't have been true of the daycare regulations?

**Mr. Alcombrack:** I didn't have anything to do with those regulations, so I am not familiar with them.

Vote 1205 agreed to.

On vote 1206:

**Mr. Chairman:** On vote 1206, item 1?

**Mr. B. Newman:** I want to ask of the minister, under item 1, what the policy of the ministry is concerning shortage of court facilities in a community.

I specifically refer to my own community in Windsor where there is a new county court house building. The recommendation of the grand jury and others was to increase the facilities by adding another floor to the building. This proposed extension has been held up as a result of what I would imagine is austerity on the part of the government. But rental facilities are available right across the road from the county court house. I am wondering if the ministry has considered renting the facilities and fixing them up so that they could be used to facilitate and improve the administration of justice in the Windsor area.

I know that the judge, Judge Clunis, the senior judge in the area, has spoken time and time again of the shortage of facilities, and that the operation as it is now in some instances is not satisfactory. For example, a grand jury report dated April 11, 1973, mentions that court house facilities were lacking. This report also mentions that a temporary courtroom was set up in a jurors' lounge, which was an inconvenience to the jurors and to the judges, and that the judges didn't have private access to the courtrooms without passing through the main lobby in full view of the public.

It was the opinion of the judges, and also of the grand jury, that an additional floor should be added. Now what is the ministry planning on doing so far as facilities are concerned in the Windsor area?

**Hon. Mr. Welch:** I think I should point out that since the province has assumed responsibility for the cost of the administration of justice, a lot of physical needs have been brought to the attention of the government. Many of the responsibilities which formerly rested with the municipalities are now ours, and there is no question that throughout this province there are a number of physical facilities which are in need of renovation, indeed if not replacement. Like everything else in connection with the government, we had to

try to come to some conclusions with respect to a priority list as to immediate needs. Hopefully, over a period of time, we will be able to do something with respect to the physical plant.

I feel very strongly that facilities for the administration of justice should be acceptable when I think in terms of the tremendous public utilization, but I am also aware of the fact that there is a case for the organization of procedures. The whole question of the proper utilization of space is one to which I'm sure the public would expect this ministry to give some consideration. Grand jury reports from all over this province from time to time draw the attention of the ministry to the areas of concern to which the hon. member refers.

It is my understanding of the Windsor situation that it is anticipated a tender call will be made this year for an addition to the county court building.

**Mr. B. Newman:** That is for an extra floor, is it?

**Hon. Mr. Welch:** I think that is what is anticipated.

**Mr. B. Newman:** That is the original recommendation of the grand jury.

**Hon. Mr. Welch:** Yes. A tender call is on the priority list for Windsor later this year.

**Mr. B. Newman:** That is very good, Mr. Minister. I'm pleased to hear that. It is really sadly needed in the community, and I think that you will probably alleviate the distressing situation there at present, especially now that an extra judge has been added to the area. There aren't the facilities to accommodate him to the extent that you yourself would like to see justice undertaken in the area.

I also wanted to ask of the minister, while I'm on this vote, if anything is planned for the registry office in the community? You know how old it is. It is inadequate, archaic; it is probably well over—

**Mr. Chairman:** I believe that subject comes under Consumer and Commercial Relations.

**Mr. B. Newman:** Does it? I am sorry. I won't ask that question then. Instead, I'll ask the minister two other questions, if I may. They are concerned with court reports or recorders and people who take the transcriptions in the courts. There seems to be a shortage of them. If there is a shortage, then justice can't be administered in the area.

Is there some way of relieving this shortage? Could we not use tape recorders or

some other sort of equipment in place of the individual, just so that we could have cases proceeded with? I don't know what the answer is, which is why I ask you people the question.

**Hon. Mr. Welch:** I think this whole question of recording equipment, and so on, is a fairly important one. I might ask Mr. Russell, the assistant deputy minister and inspector of legal offices, to comment, because this subject has come to our attention.

**Mr. A. A. Russell** (Assistant Deputy Attorney General and Inspector of Legal Offices): I may say, Mr. Newman, we use mechanical means of court reporting quite extensively. If I could just quote some figures—and March 29 is the date of our most up-to-date figures—we have operating in the county and district courts throughout the province six electronic units and 47 cassette units, for a total of 53. In the provincial court criminal division we have eight electronic units and 77 cassette units, for a total of 85. In the family division we have one and seven for a total of eight. In our small claims courts, we have three judges in Toronto who use mechanical equipment completely. And in the divisional court we have one unit. So we have a total of 15 Philips units and 135 cassette units, making a total of 150. In addition, we have 112 stenomask operators throughout the province.

We have quite a heavy vote for additional mechanical equipment in our estimates this year and we hope to extend its use to Essex, Halton, Lambton, Peel and Perth counties. We are going to update the units in Simcoe and Essex.

**Mr. B. Newman:** Did you mention Essex?

**Mr. Ruston:** Yes, he did.

**Mr. Russell:** I did, yes. If you go over to your provincial court criminal division, you will see that your whole three courts have mechanical equipment. For Judge Clunis, it is only within the last month he's made the recommendation for us to install mechanical equipment.

**Mr. B. Newman:** I raise this question after reading an article in the press stating that justice is being delayed because of a lack of recorders. Is this true?

**Mr. Russell:** We had trouble recruiting in Windsor. There is still a vacancy. I may tell you that we've been in touch with Judge Clunis and we have relief reporters going in

until May 20. We will take a look then and see how the situation stands.

**Mr. B. Newman:** Good. Then I have only one other question, Mr. Chairman, and that is on the pay for jurors. It is \$10 a day. You are really not doing justice to the individual when you ask him to give up a \$50-a-day job and pay him \$10. Nor are you doing justice to the working poor who are selected.

I brought to the attention of the minister last year the case of a man by the name of Bailey, who worked for \$23 a day, including tips, as a waiter in a tavern in the community. He was called for jury duty. He was never selected by the way, but having been called, he lost two days' pay. Then he was criticized by his employer who accused him of not being interested in working. Yet here he was forced to go into jury duty, and mind you he didn't shirk his responsibilities at all.

**Mr. Martel:** There was a man just tried for that recently, wasn't there, in Ontario? He refused to show up for jury duty? They said he didn't take his commitment to society too greatly?

**Mr. Russell:** I think he misinterpreted the summons. He came in on the wrong day and they had to go out and get him. He thought it was the next day. It was over in Hamilton. It was Hamilton or Brantford, one or the other.

**Mr. Martel:** He took a tremendous tongue lashing for it.

**Mr. Russell:** He took a day in jail, too.

**Mr. Martel:** Yes.

**Mr. B. Newman:** Is it planned to update the pay of the jurors?

**Hon. Mr. Welch:** The hon. member makes some reference to jurors' fees. Certainly the estimates which are before this committee do not provide for any increase in jurors' fees.

**Mr. B. Newman:** I asked this last year on the same vote.

**Mr. Chairman:** Excuse me, Mr. Newman; as far as the chair is concerned we are not criticizing you for bringing up your question under this vote. That's in order. I think what the minister is saying is that there is no increase in fees contemplated in these estimates.

**Hon. Mr. Welch:** Oh, certainly; that is what I intended. I am sorry if you misunderstood me.

In answer to your question, we are not providing for any increase in the estimates that are presently before us. That's quite right. However, the question of jurors' fees is certainly being considered as part of the overall budgetary requirements of our policy field as they relate to many other areas, in what's called the multiyear forecast.

**Mr. Martel:** Do jurors' fees for inquests come under you as well, or do they come under the Solicitor General (Mr. Kerr)?

**Hon. Mr. Welch:** Under the Solicitor General. What I am trying to point out is that that will have to compete with other priorities or other claims which may come from other ministries within the policy field itself.

**Mr. B. Newman:** But you could at least pay minimum wage, couldn't you? When you are paying \$10 a day you are not even following the minimum are you?

**Hon. Mr. Welch:** Perhaps it is sufficient to assure the hon. member that I am not unsympathetic to what he says. All I am saying is that when this request comes in along with requests from other ministries within the policy field, it doesn't have and hasn't up to now had the same priority as other claims that are made on our budget.

**Mr. Lawlor:** It has been before you for generations.

**Hon. Mr. Welch:** I would be interested in hearing some comments as to whether or not you feel, insofar as jury duty is concerned as an act of good citizenship, employers should dock employees who have to serve jury duty at all.

**Mr. B. Newman:** When the employee works in some of the industries, remember, the union does not make up the difference between his juror's pay and what he would normally make. So you are really punishing the hourly rated employee. You are really financially punishing the one that works in the service industries.

**Hon. Mr. Welch:** I understand and I am not unsympathetic. I am not trying to suggest that I am unsympathetic at all. I have answered your question quite frankly, that there is no increase planned in the estimates.

**Mr. Martel:** Look at the inquest in Sudbury.

**Mr. B. Newman:** I understand what you are saying, but last year we heard the same

story and we got no action. We wonder how many years we have to go and keep asking for this. Surely the ministry over the past year should have been able to resolve the problem.

**Hon. Mr. Welch:** Sufficient to say I am glad you have raised the question again. The fact that you have raised it again and this concern has been expressed will assist this minister in other areas where he has to make his presentation with respect to his budget for the next fiscal year.

All I am pointing out to you is the fact that you have raised it and the ultimate decision doesn't lie completely within the purview of this minister. Insofar as improvements and insofar as the programmes in this ministry are concerned, they have to be ranked with other ministries in the policy field which have equally important areas they think need some enrichment as well. Up to now we haven't been successful on this particular item.

**Mr. B. Newman:** Then what you are saying is that from now up until April of next year there is no chance of a juror getting paid any more. You are not going to introduce supplementary estimates to take into consideration the pay to the jurors.

**Hon. Mr. Welch:** It is not planned at the moment, though I am quite sure that when the Solicitor General's estimates are before the House the same question will come with respect to jurors' fees for inquests.

**Mr. Lawlor:** That just went too far. In 1968, in McRuer's report, he made very strong asseverations about the condition the jurors were left in the province, and punctiliously said regard this and bring something in and raise their remuneration. You are really abusing the whole system. Of course, they are in the process of abolishing all the juries anyway.

**Mr. Ruston:** I was just wondering, Mr. Chairman, if this is maybe the plan. I noticed in the United States—I have an account—I don't have it with me, it is in my office—an item on the duty of serving on juries in the United States and the reluctance of people now to get into it.

In fact this particular person had a very strong writeup in the *Detroit News*. She said that she was absolutely not going to register to vote again because as long as she didn't register she never had to serve on a jury. She felt the act of being on jury duty in the particular part of the department that she was in was just unbelievable, and she

thought that justice wasn't being served because of the way she was treated as a juror. So maybe the intent of the government is to phase out a great many operations that jurors have been looking after and doing them with another system of judges.

This is something we hear in the odd case over here; where it is mostly concern on the financial part, that people are losing money. In the United States, and I am sure there is some of it here too, people just go in and are not called and have to go back home and come back three days later and so forth.

So it was a very interesting half-page comment of a person that served in Detroit telling how frustrating it was to be put to the injustices she felt she had suffered as a juror. She felt justice wasn't being served because the people that were on jury were so mad they felt they would either be against the government for the system they were working under, or they might have been mad at the person who was on trial. So they didn't think that justice was being served on either side, because of what she called the very terrible system the juries were working under.

It is rather interesting. It is not in Canada that I am speaking of, but I often think that what happens in the United States—as the old saying is, when the elephant rolls over you feel it 10 years later in Canada. So I am just concerned that this doesn't happen here, Mr. Minister.

**Mr. E. M. Havrot (Timiskaming):** Mr. Chairman, has the ministry made any projections as to what the cost would be for a realistic juror's fee?

**Mr. Chairman:** Yes or no, Mr. Minister.

**Mr. Havrot:** Have you made any projections as to what it would cost to bring the fee up to a realistic figure; where the juror would be paid a reasonable amount comparable to what his salary or wage loss would be in a day?

**Mr. Ruston:** Or double.

**Hon. Mr. Welch:** Yes.

**Mr. Ruston:** At least it would give you an idea.

**Mr. Havrot:** Give us the figures.

**Hon. Mr. Welch:** If we were to move the fee from \$10 to \$25 a day we estimate that would cost us \$1.5 million.

**Mr. Martel:** Oh, you can't be that mealy-mouthed about that.

**Mr. Chairman:** I was wondering—Mr. Martel has been anxious to say something for some moments.

**Mr. Martel:** Mr. Minister, what really bothers me on this is you can wipe a man out. If you look at the inquest that was held in Sudbury—and I realize it is a different ball of wax—that involved three months. One juror was a very successful businessman but he started to feel it after three months at that inquest. If you had a working man who had house payments and two or three kids you would put him in bankruptcy. You would wipe him out.

**Hon. Mr. Welch:** I understand. I only caution that the exception doesn't become the rule.

**Mr. Martel:** That's right, but he still suffers. He might be the exception. Are we going to come along and pick up the pieces for him and his family? One of those, I understand, was a worker; there were a couple of businessmen. But we wipe them out.

If you really harm somebody through jury duty—say it is a long case and it is the exception—is there any way that person can get some financial assistance? He goes behind three house payments; we are talking of a man's whole family life being destroyed in that three-month inquest in Sudbury.

**Hon. Mr. Welch:** It is sufficient to say at this stage that this discussion will assist the Attorney General in his—

**Mr. Martel:** If we are going to help those men—

**Hon. Mr. Welch:** Of course that comes under the Solicitor General.

**Mr. Martel:** Yes, but it is your duty, too.

**Hon. Mr. Welch:** But you can't give me a like example in jury duty.

**Mr. Martel:** No, I can't.

**Mrs. Campbell:** There is as lengthy a one.

**Mr. Chairman:** The minister is going to take this into consideration and I am sure he will come up with some recommendations. Mr. Martel, did you have further observations?

**Mr. Martel:** Yes, I have three points I would like to raise on this. Maybe I am

raising them in the wrong place so I ask your guidance, Mr. Chairman.

What about the possibility, for traffic violations and so on, of having night duty courts? Say a miner gets a speeding ticket going to work and he wants to contest it. He has to lose a \$40 shift to contest a \$12 ticket. If we had the courts open one night a week maybe—because they are on shift work, the vast majority of them—they will get either the day court or the night court.

What in God's name stops us from opening up a court at night for traffic violations? I listened to a radio programme in my community the other day and this was the topic under discussion—night court. Some men have waited two days to be heard. They have lost \$86, two \$43 shifts, to fight a \$23 ticket. So they just send the money in. They really resent the fact they can't go there and defend themselves, but they can't afford to blow the shift—and sometimes it is a couple of shifts.

It seems to me that if we want to utilize our court facilities somewhat, if we have got a shortage of court space, we might start as we do with schools and utilize those facilities more than from 8 a.m. to 3:30 or 4 p.m. One way would be to put some of these cases over to the evening, particularly the minor violations which aren't going to take long and which can be heard before a justice of the peace or someone. It makes good sense.

**Mr. Chairman:** That item is probably item 4; but that is all right, we've permitted latitude.

**Mr. Martel:** Yes, I put that on the programme of administration.

**Mr. Chairman:** Well that is fine.

**Hon. Mr. Welch:** I think the hon. member makes a very interesting point, and I will be very glad to take that matter up. Your colleague from Sudbury has written us about that.

**Mr. Martel:** Has he?

**Hon. Mr. Welch:** We will be glad to discuss that with the provincial judge. We do have night court in the Metro Toronto area. The hon. member will perhaps recall that by the beginning of June if possible, certainly not later than the beginning of July with respect to North York I think it is—

**An hon. member:** Don Mills?

**Hon. Mr. Welch:** In the Don Mills area we plan some further experimentation by way of

a pilot project for the handling of traffic offences in a less formal atmosphere—a more tribunal-type atmosphere—at hours which would perhaps be more convenient to the public. Perhaps on the basis of some experience with that project we will be in a better position to see what the implications might be for the other parts of the province as well. We hope to have it in by the first of June.

**Mr. Martel:** Well, I would ask the minister if he might consider trying one in the north. You know, it always bothers me that we try everything first in Toronto.

**Mrs. Campbell:** Sometimes we get the worst of it too.

**Hon. Mr. Welch:** I know the point the hon. member is making, and he won't get any argument from this minister.

I think one of the reasons some of the experimentation may be done here is simply the volume of what is in the courts here. It is very exceptional and perhaps as we learn, because of the volume we have here, we will be in a much better position to transfer the experience to other parts of the province. But sufficient to say that since the hon. member has raised the point for his area in particular, we will take a look at it.

**Mr. Chairman:** Any further comments?

**Mr. Martel:** Yes, one other point.

**Mr. B. Newman:** There are more law-breakers up your way.

**Mr. Martel:** Well, I want to come to the other point. For some years I have been writing the minister regarding the problems surrounding the court facilities in the Sudbury area, particularly starting last June. The result is not only this letter I have received, but I have been in contact with a great number of people in the legal profession in the Sudbury area. It has reached the critical stage, Mr. Minister.

I just put this short letter on record as an indication. It is from a former colleague and our good friend Elmer Sopha, and he writes:

The shortage of space at the court house has become chronic and the acute inconvenience and distress to those participating in the administration of justice has been well known to the authorities for a long time. An incident yesterday illustrates how the administration of justice suffers because of the shortage of space.

There was an inquest which was going into its third day on Wednesday, June 6,

and more than 20 witnesses were called. It was to resume in courtroom A, the only suitable courtroom for holding such an important proceeding available at 10 o'clock. Unfortunately, the general session of the peace commandeered courtroom A and that courtroom was engaged for that purpose until 11:40. In the meantime the inquest jury, coroner and witnesses and five counsel, had to wait.

Inside the courtroom an incident occurred to which the shortage of space contributed. A motion was brought by defence counsel (myself) in respect of the number of challenges of jurors the accused was permitted. It was argued before the whole jury panel. This morning, the Crown moved for a mistrial and the motion was granted. Public money went down the drain. There was no other place, physically, for the panel of jurors to be, other than where they were, i.e., in the courtroom, unless they were put out in the rain, which was falling.

It's signed by Elmer Sopha. Since that time, I have continued to be approached by members of the legal profession from all of the political parties up there. They are really concerned.

I understand you are renting accommodation in the President Hotel at times for hearings. They are piled on top of one another.

You moved Mrs. McLeod, I guess it is, from across the street and put her down in the basement. You also took a jury room facility away from them, without anyone knowing. We got involved in that one and that got straightened out.

**Mr. Russell:** We cleared that.

**Mr. Martel:** You cleared that one for us, and certainly we appreciate it, but all I am trying to illustrate is that it is reaching a point in the Sudbury area that unless we move justice is really being impaired, because people are standing around. They are milling around. There are no courtroom facilities available. It has reached the point where it is a nightmare and, as I say, I have been approached by half the legal profession in the Sudbury area.

**Hon. Mr. Welch:** On assuming these responsibilities I did review this, among other matters, because of the correspondence from the hon. member to my predecessor. I think it might be interesting to note that during the last two years there have been some honest

attempts on the part of the ministry to correct some of the problems, and I appreciate that there are still some.

The provincial court, family division, and the probation services have been located outside the building—

**Mr. Martel:** Right in front of the Holiday Inn, I believe.

**Hon. Mr. Welch:**—and the space vacated by the family court has been completely renovated and occupied by the Crown attorney and his staff. The space released by the Crown attorney then allowed for some expansion in the provincial court, criminal division. The justice of the peace courtroom in the basement has been refurbished, and new accommodation has been provided for the justices of the peace. And the personal property security system has been moved from the registrar's office to the registry office, thus relieving congestion in the office of the local registrar.

None of these things, of course, is listed from the standpoint of being a complete answer to the concerns expressed by the hon. member, but surely this shows some attempt to bring some relief to the situation.

There are eight courtrooms in the building, and while it's true to say that there have been some problems with respect to timetabling the sittings of the Supreme Court and the county court, it is hoped that with some rearrangements with respect to the sittings, some of that congestion may be avoided as well.

In the meantime, and certainly it is on the priority list, it is anticipated that there will be a tender call early next year for some addition to the building there. In the meantime, it is hoped that these improvements will help to some extent.

**Mr. Martel:** Well, I understand the building can take a second story. Is that right? The present facility could go up one more story, could it not?

**Mr. Russell:** I feel it could. I think the footings were checked, not by us but by the Ministry of Government Services. I think it would.

**Mr. Martel:** Yes. I was talking to a group of lawyers the other day and they indicated that.

**Hon. Mr. Welch:** However, the tentative arrangement now is for a tender call early next year.

**Mr. Martel:** That gives us some indication that something is on stream, and while people are patient, I think you might alleviate the problem if you would really consider some of the other suggestions I made, which might just relieve some of the minor matters that could be cleared away in the evening. It might just help to some degree.

**Hon. Mr. Welch:** I will take a look at that.

**Mr. Martel:** Thank you.

**Mr. Chairman:** Thank you, Mr. Martel. Mrs. Campbell, did you have some observations?

**Mrs. Campbell:** Yes, I have some observations.

First of all, we have discussed the jury situation, and I would like to get from the minister some elaboration on this matter, because I can't believe that this minister would take the position he is taking about jurors unless indeed he is prepared to look at the recommendations that have been brought down. When you see one ministry trying to justify enormous extension of dollars for a system of transportation which doesn't exist anywhere in the world on the basis of inflation, I know this minister is much too reasonable a person to face this committee and say that we are not concerned with the inflation as it affects jurors. So I would like a statement from him if he is prepared to say to this committee whether or not we are going to engage in a programme of phasing out the jury system. I would like to understand that.

I would like him to elaborate on his position as recorded in the newspapers, to which reference has already been made, as to his takeover—I think that was the heading; I don't have it with me—the takeover of administration and to show cause as to why that shouldn't be done. I recognize that some slight mention was made of it earlier, but I presume this is the area under vote 1 where we would be discussing this kind of situation.

I do want to address myself to the matter of reporters, but I had assumed that that would come under the individual court and I shall reserve my comments on that.

One of the things that bothers me, too, is that I have already addressed the minister about the problem of court accommodation in the city, and while I have had an answer it is, with the greatest respect, not a completely full answer to the problems, although the individual case may have been satisfactory.

I am wondering whether we are now in a position where we are taking an almost status quo attitude to various matters of this kind because of the recommendations which may or may not be acted on. I recognize that the minister may tell us that this has not been decided, but I think it would be very helpful to those in the opposition if we could have some idea as to whether there is a hold on things pending a policy decision, whether there has been one made or what the particular situation is. One gets the impression, rightly or wrongly, that there is policy to be enunciated, if not now at a later date, which may give us a reason for some of the things that we are critical of at this time.

I would like to hear from the minister before I go further into the matter. I may be just wasting time.

**Hon. Mr. Welch:** Mr. Chairman, I think I should clarify one or two things. I certainly wouldn't want the record to indicate that I was at all unsympathetic with the concerns expressed by members of the committee earlier, with respect to fees for jurors. Indeed all I was indicating was, in frankness, that the budgetary arrangements which are before this committee do not include that, but I am very sympathetic to the fact that something should be done about it and certainly I will continue in my efforts to do something about it, supported as I will be, no doubt, by the discussions here today.

On the question of the administration of the courts I am very grateful that the hon. member has raised this point again, because I am somewhat concerned at the moment, more than somewhat concerned, that there would appear to be reported a difference of opinion as between the Ministry of the Attorney General and the judiciary, which to my mind really doesn't exist at the moment—at least, in my mind it doesn't exist—and I wouldn't want a non-existing confrontation to be blown up out of all proportion.

As the hon. members will know, my predecessor made a statement on Nov. 22 last in response to parts I and II of the Ontario Law Reform Commission report on the administration of Ontario courts. I think it is somewhat in keeping with the type of approach which the member for Downsview (Mr. Singer) suggested earlier in these estimates might be a helpful way to start our discussions on this general topic. The subject matter of that was a very lengthy statement in the House on that particular day.

**Mr. A. J. Roy (Ottawa East):** Was it ever.

**Hon. Mr. Welch:** It dealt with the background and the contents of the report and the responsibility for the administration of the Ontario courts; the decentralization of the courts' administration; the question of merger; and the whole question of the administration of the provincial courts.

Without taking a lot of the time of the members of the committee, it was very clear that the minister, having made the statement, made the point that he wanted to have some opportunity for this report to be circulated and, indeed, wanted to have some comments from those who were going to be affected by the implementation of these recommendations.

On the particular point about which there seems to be a considerable amount of journalistic interest at the moment, I would draw the attention of the members of the committee to the statement of my predecessor, particularly as it is set out on pages 7, 8 and 9. He talks about the need for the Ministry of the Attorney General to assume a substantially increased responsibility for a wide range of non-adjudicative court management functions. I think it is in this area where we will see a great deal of discussion.

I want to re-emphasize the fact that when

**Mrs. Campbell:** Well, Mr. Chairman, I indicated in my approach that on assuming this ministry I was very interested in consulting with those who are to be affected by any proposed reform, I knew at that time there had been a statement by my predecessor with respect to government policy generally. As a member of the government, I was certainly part of that policy statement but I recognize, as did my predecessor, that having made this statement, there would be those who, no doubt, have some opinions to express. I am quite satisfied, on the basis of what I know already on assuming this ministry, that there are those who have many opinions to express on this issue. The whole matter is open for discussion and I would hope that during the course of these estimates and particularly in the form which the member for Downsview and the member for St. George looked for, later on—after we have cleared the estimates—we would have an opportunity for people to really appreciate the various points of view that were being expressed.

I am satisfied in my own mind that the concerns of the judiciary and the concerns of the Attorney General are shared. I have no intention of interfering with the adjudicative function of the courts. My predecessor made that point very clear as well so obviously there needs to be some time spent in under-

standing each other. I would certainly hope we wouldn't be led into a period of confrontation simply on the basis of newspaper stories. I can assure you I am very anxious to understand fully the concerns expressed not only by the Law Society but by the bench. Indeed, I am quite cognizant of what my responsibilities are to the Legislature.

**Mr. Roy:** Some of your predecessors ignored this complication.

**Mr. Chairman:** Excuse me, Mrs. Campbell, had you further points?

**Mr. Roy:** The Solicitor General (Mr. Kerr) said the judges were lazy.

**Mrs. Campbell:** May I just pursue this for a moment—

**Mr. Roy:** While we were on that point, I just thought I'd—

**Mr. Chairman:** Just a minute, Mr. Roy; Mrs. Campbell wanted to pursue the point further and then, I believe, Mr. Lawlor had some comments to make.

**Mrs. Campbell:** Yes. What I have been concerned about is what has been appearing in the press because I don't think it is helpful to the Attorney General, to the judiciary or to the system. I would, however, hope that the Attorney General would take the opportunity to understand the problems which judges have in connection with the administration.

I cannot speak for any but the one court where for so long the judges were placed in the position that they were the servants of the administrators. They were subject to directives from them for which they never had any explanation. I wouldn't want to see the takeover of this by the Attorney General enlarging this problem and I think it has to be given an awful lot of consideration.

**Hon. Mr. Welch:** I think your point is very well taken. The former Attorney General, in making this statement—very early in this statement—talked about the constitutional right to justice requiring not only an independent judiciary but also an administrative framework for the courts which is responsive to the needs of those asserting this right. He said:

In our system of parliamentary democracy, this means, in the words of the Law Reform Commission, that court administration is the primary responsibility of government, in order that the primary goal of the

court system, which is to serve the public, can continue to be met.

That comes after what Mr. Bales repeatedly talks about, which is the requirement of an independent judiciary. I suppose what the hon. member reminds us of is that we must recognize there may be some areas where that distinction is not clearly understood and, therefore, we must be sure we completely understand what this all means in the practical application of these things, and I can understand that.

**Mrs. Campbell:** Well, Mr. Chairman, I don't want to belabour the point, yet I think I have a duty to point this out. As it applies to provincial courts, and I'm speaking generally now, there has been a closer understanding of the opportunity of the judges to get through to the Attorney General and the deputy. If you have an administration which is functioning apart from the judges, I'm not going to say it would be wrong, but I think it has to be very carefully thought out.

You get a dichotomy that can destroy the administration of justice, if I may give you a picayune little example of what happens, when you have an administrator who may not understand his function; perhaps nobody bothered to tell him, I don't know. But when judges are given a directive from an administrator which reads, "You shall not call into your court by name a justice of the peace," there's an administrator doing the administration. So you get judges who say, "Well, have you ever thought why we call them in by name?" It would be because of something in the information which has been raised in the course of a trial and he wants clarification, not by any justice of the peace but by the one who swore it. He could, perhaps, clarify something. Of course, you have judges asking whether he really intended the judge to walk out and call down the stairs in a court house, "Hey, you," and keep on calling until he got the one who could answer the question.

That is something that happened, and it is that separation which I think is very crucial. We should guard it, before we take steps which can destroy the trial by some directive that nobody understands, except the one giving it, I suppose, who by the same token didn't understand the function of the court. It isn't a simple matter.

**Hon. Mr. Welch:** The former Attorney General does say in his statement—I don't wish to labour the point because the statement can be read—but he indicated at that

time that the government should not, and should not seem to, interfere with or attempt to influence in any way the adjudicative functions of the judge. Nor should he play a role, says the statement, in the assignment of judges in individual cases, or otherwise become involved in the organizational work of the judges in any way that might influence the outcome of litigation. These are self-evident matters of the independence of the judiciary.

The Law Reform Commission, however, has pointed out, and I'm now quoting;

The fullest recognition of the principle of judicial independence does not dictate that the courts must be left to operate independently of reasonable management constraints. Neither should the principle of judicial independence be used to support the misconception that the only management constraint that can be imposed on the courts are those imposed by the judges themselves, and that the only role of the government is to provide the money each year for the judges to run the system.

Then he goes on on pages 7, 8 and 9, which I invite the members to read again, when he makes it quite clear that we respect the varied concerns that are being expressed by the judges, and at the same time recognize what our responsibilities are. I suppose it's in the areas to which the hon. member makes reference that we require some complete discussions to ensure that there is no misunderstanding.

**Mrs. Campbell:** With the judges.

**Hon. Mr. Welch:** Yes, definitely.

**Mrs. Campbell:** Another point, for example. It is queer that the judges should not be given the tools with which to do their jobs, but in the past, and I'm told it isn't clarified yet, on a matter of books for a judge's library these are limited by someone in the administration—one doesn't know where—at the very time when in the courts you are increasing jurisdiction by reason of reciprocal agreements. These are things that bother me terribly, any suggestion that there would be this kind of move without at least making everybody well aware of the respective functions.

**Hon. Mr. Welch:** Your point is well taken.

**Mr. Chairman:** Mr. Lawlor, you had a question?

**Hon. Mr. Welch:** I wonder if Mr. Lawlor would allow about a three-minute adjournment?

Mr. Lawlor: I'd love it.

Mr. Roy: Is it important?

Hon. Mr. Welch: Yes, I am assured that it is.

Mr. Chairman: We will stand adjourned for five minutes.

The committee adjourned for five minutes.

On vote 1206:

Mr. Chairman: Mrs. Campbell, I think you wish to finish your remarks in connection with this item.

Mrs. Campbell: Yes, I think that the minister hasn't answered—and I guess he isn't going to—but I did ask whether there was a policy on the elimination of juries.

Hon. Mr. Welch: No, at the moment I have no such policy, except as that subject may relate to the general organization of the courts themselves, Mrs. Campbell. But I have no policy declaration to make on that particular subject at this time.

Mrs. Campbell: I understand your reluctance, but is it fair to say that the matter will be dealt with on the general administration programme, or reorganization programme of the courts?

Hon. Mr. Welch: It certainly will be considered as part of that, yes.

Mrs. Campbell: Thank you.

Mr. Chairman: I believe Mr. Lawlor had some remarks on item 1.

Mr. Lawlor: Before I launch into—

An hon. member: A tirade?

Mr. Lawlor: —a long, rambling, I trust, talk—

Mr. R. Haggerty (Welland South): How long are you going to be?

Mr. Lawlor: —about the first major portion of this side of estimates, we've been waiting for 10 days on it now, the business of the reorganization of the courts, the second, long, rambling, I trust, speech on the merger situation, I think the minister will welcome a considerable input from wherever he can get it—

Hon. Mr. Welch: Hear, hear. Let the record show that.

Mr. Lawlor: —and having the courage to commit ourselves along the line. Pusillanimity is not an inbuilt quality to be admired.

I just want to say one word about the jury system, that is the civil juries—

Hon. Mr. Welch: Keeping in mind the spirit of what we were saying in connection with law reform generally, I hope no member of the committee will consider this the only opportunity to discuss this subject—

Mr. Lawlor: Oh, I trust not, because it's a very complex problem.

Hon. Mr. Welch: —because it's a very complex situation.

Mr. Lawlor: Right, and we want an on-going feed-in. But one can make tentative initial positions and hope that somebody will show cause as to why you shouldn't maintain that position.

Mr. Chairman: I hope you don't become too legalistic, Mr. Lawlor.

Hon. Mr. Welch: That was my only attempt as Attorney General. I must watch my statements in the future.

Mrs. Campbell: Or forget you were ever a lawyer.

Mr. Lawlor: I always admire the simplicity of my own language.

Hon. Mr. Welch: That's not hard to do.

Mr. Chairman: Does that complete your remarks, Mr. Lawlor?

Mrs. Campbell: Says you, optimistically.

Mr. Lawlor: On the jury matter, when it came up three or four years ago and Arthur Wishart gave the first indications that civil juries in Ontario might be abolished, I spoke somewhat vehemently, as is my wont, against it. And I think, on the whole over these several years, I've changed my mind. I would think that you would give very good consideration to those arguments, which are extremely powerful with respect to the manipulation of the jury system by certain branches of the profession, particularly in the business of automobile negligence.

Let's be blunt and frank about the Advocates Society: We're vociferously opposed to its abolition for good reason and from the legislators' point of view, who must have a purview and a kind of universal sense of the community, affecting all elements, not just a particular ingrained interest. Our task is to

exercise a wider and more sovereign judgement about these things.

**I agree with what Mr. McRuer said in his report and what has been said in subsequent reports. There are five or six areas relating to civil juries, including false imprisonment and breach of promise suits, I guess—they're in the process of being abolished under the family law reform, thank God. One always fears that. The one reason you got married was so you wouldn't be sued for breach of promise.**

**Hon. Mr. Welch:** How personal are we being now?

**Mr. Lawlor:** I'm just making—

**Hon. Mr. Welch:** Generalities.

**Mr. Lawlor:** —one of those sovereign judgements. I look around me and see.

**Hon. Mr. Welch:** Oh, well, don't include me.

**Mr. Lawlor:** All right. The Attorney General wants to be exceptional in everything.

I don't want to go into it tonight, though. Don't hesitate and be afraid of it because of certain weight brought from certain quarters. If you think, in all conscience, that the abolition of civil juries is an ultimate benefit to the people at large, you should have the sterling courage, for heaven's sake, to go ahead with it. I suspect you'll get my support in the process, as things presently stand—for all that's worth. At least it's one voice not raised against you.

I just want to spend two seconds on the inspector of legal offices and his peculiar predicaments—and he has peculiar predicaments. He may not look like it, being a genial fellow and willing to suffer all kinds of afflictions on behalf of the cause, whatever cause that is. Page 22 of the report says:

Most of the management functions in the court system that have not been performed by the judges have fallen on the inspector of legal offices. These responsibilities have increased since the province took over the entire financial responsibility for the administration of justice (e.g., court houses, court reporters, etc.) from the municipalities in 1968.

Despite his impressive energies, ability and devotion to his task, he has been unable to do much more than meet the day-to-day crises that arise. He has neither the legislative mandate nor sufficient personnel or other resources. With a few exceptions,

resources have not been available to permit the inspector of legal offices to engage in any comprehensive management planning, and there seems to have been a general assumption that each class of court must be treated as a separate administrative unit.

That, of course, is a central feature with respect to the revision of the courts.

I would ask you to take those assertions in that particular paragraph under very serious consideration. I am not going to seek to embarrass you, I suppose that is not what we are doing here, or to extract by a process of some kind of abortive cross-examination what the foundation for all those various judgements is. I have no doubt that they have been thoroughly investigated by the five men involved to come to this conclusive decision at every objective piece of evidence.

When such deliberate guys speak in such categorical terms, such impressive terms, raising their voices several decibels, then I think that you should listen, because this is not the normal tenor of their remarks and they feel that this man is somewhat put upon. He would be the last to admit it, so what is the use of asking him? Your ministry is not making proper provision, in terms of personnel or in terms of the monetary outlay, to make his task either responsible or valuable, in any way commensurate with the value it ought to have, and it lies in your hands to alter that. I won't say more on that particular point.

Now for the vast, weary—because I am weary—task of looking at this court administration bit. I am going to have to ask your indulgence a bit, Mr. Chairman, in reading certain sections. I have pages marked here, but I am only extracting what I think are kernels all the way along the line so as to get the full picture in this matter.

The time has come to view the courts not merely as a collection of talented judicial minds dispensing justice to the best of their abilities, but as a complex institutional process involving lawyers, court clerks, jury components, litigants, applicants, etc. What is needed, in short, is a sound, managerial approach to the court administration, based on the concept of the courts as an assembly of interdependent parts forming an integrated whole, and not based exclusively on the traditional judicial model that emphasizes a judicial hierarchy and establishes authority and lines of communication accordingly.

That portion of the theme is there in a nutshell. I mean it is all there; the merger concept is involved there. The merger concept

in the minds of this tend, it seems to me, although they contradict themselves in the process, to go together. If you are going to get an integrated model without emphasizing the judicial hierarchy how else, in the Lord's name, are you going to do it, in their own words, than along the lines that they have indicated?

May I pause for reflection here about the integrated model? Mr. Justice McRuer, as he once was, has set up his own model for the courts where he accepts the director of court administration for the whole province, but then he sets up four deputies. In other words, he wants to keep the stratification that presently exists intact, but add a layer, or maybe a layer and a half, or whatever it may be. He wants to put some frosting on this particular cake. His argument is that the functions, methods and ways of doing things in these various courts are very diverse and different, and to integrate them from a central core on a regional or other base is not pragmatic, it is simply not a working principle.

I have to say in all honesty that I think Mr. Justice McRuer has a predilection toward the judiciary on occasion, if that's a typical English understatement, and therefore regards from his long experience in the High Court of this province and has an angle of vision directed to that and circumscribed by that. That must be taken into account in weighing the various factors that are ultimately going to go into this decision. The whole commission goes on and lays down the premises underlying their approach which is repeated time after time throughout the rest of the documents that we have.

The first is the notion that the primary role of judges in our court system is to adjudicate—that by training, professional background, salaries, level of competence, independent judges are best equipped for adjudication. They are neither appointed nor trained to administer.

Without making any final decision about this whole matter of how the courts are to be reorganized, that twits me, that tickles me a bit. You would think that the chief justices would be the very first to come forward with an accord, with the palm leaf, and say, "This is a wonderful idea. This frees us to be judges." Now you've got some highly trained minds, chief justices and chief judges of the various courts, thoroughly engaged all day long in the nauseating business—and you thought this up—which they find thoroughly disgusting, of court administration. They are not trained to do it. They don't like doing it.

It's a pain in the fanny. I have to change the wording there—

**Mr. Chairman:** I think that is parliamentary, Mr. Lawlor.

**Mr. Lawlor:** It's not quite—I'm trying to impress the judiciary, but that's not the way to do it.

**Hon. Mr. Welch:** Try the neck.

**Mr. Lawlor:** I meant the backside. And nevertheless we are getting these rumblings in the background—really where the rumblings come from none of us seems to know. We all regret that or maybe the minister knows better than I do, in any event. Certain lawyers from a community who are in my opinion perhaps more atavistic and ingrained than others find any mode of alteration repugnant—and this is proverbial in our profession. We've tested and tried and true and blue and any other colour you can think of, and therefore by the very fact of its law, heredity—you'd think they were all Edmund Burkes sitting on a rock and fighting still against the French Revolution. I mean that happened almost 300 years ago. And it's kind of pat—most people have accepted it.

There is the odd person around, like myself, who think there was some good in the French Revolution. It actually produced something in the world. You know, there are an awful lot of people who don't, and there are some major leaders of the bar in Toronto who have never really—not only never got used to the French but even the American Revolution bothers them a bit. We never had a revolution, of course, so we can't blame ourselves for such—

**Mr. Chairman:** Besides that, I think that comes under item 2.

**Mr. Lawlor:** Does that come under item 2?

**Hon. Mr. Welch:** What? Revolutions?

**An hon. member:** The American one.

**Mr. Chairman:** The French one follows.

**Mr. Lawlor:** I see. I am rusty. I have to keep on talking tonight until I see what I am going to say tomorrow.

**Hon. Mr. Welch:** Does this committee meet tomorrow?

**Mrs. Campbell:** Thursday.

**Mr. Lawlor:** No, we don't. I have an extra day to organize this thing. All right. The judge's role is one to adjudicate and some of

the major judges—for instance, out in Peel I believe there is a judge in a family court there who has to take off one day a week. His brother judges in effect sit in for him. He takes the day off to do administrative work. The others don't want to do it and he is prepared to do it. He likes to do it; it gets him out of the courtroom for a while—but it isn't that. A judgement on the judges really. What is he out there doing some kind of glorified clerkship in the corridors for? It seems to me that it's a really benighted conception.

The second thing—and this is the thing that is being overlooked and always is when special interest groups and people who are purblind by their own interests hit the thing—our second premise is that the primary goal of the court system should be to serve the public, and nobody else. We talk about costs here and we'll come back to costs—the maxim "Justice delayed is Justice denied" should not require constant repetition.

More damage is done to the quality of justice in Ontario by managerial inefficiency generated by outdated practices and systems than is done by incorrect decisions of particular judges. It is the needs of the public that are of paramount concern, not the needs of the judges or the lawyers or the court clerks or the government charged with the responsibility of administration.

That speaks for itself. It's almost an eloquent statement—as much as this report ever rises to eloquence—of the position. It deserves to be placed on the record and repeated, if necessary, ad nauseam to those who are postulating their own peculiar premises or setting forth their positions in the courts.

They give the various reasons. They say the reorganization will permit the bringing down of criminal cases to a goal of disposing of them within 90 days of arrest or summons. Now that is not an iron rule but it is a goal to be shot for. It is not being measured, as I said earlier today, in the court with which I am most locally acquainted. That is certainly not the rule. Six months is probably very much closer to it, and that is unpalatable. It serves some lawyers pretty well—and it serves me, I must confess, on occasion right down to the ground. We sit there with the sadistic hope that the Crown witnesses will all evaporate or get hit by an omnibus or something. It is the only hope I've got.

**Mrs. Campbell:** He gets the day off.

**An hon. member:** It gets him out of the courtroom.

**Mr. Ruston:** That is right. How true. The Attorney General—

**Mr. Lawlor:** So you postpone and postpone and maliciously pray.

**Mr. Ruston:** That is what happens.

**Mr. Lawlor:** They want to try to get these civil cases, as I indicated earlier today, disposed of like the Dow-Jones case. If you have seen one you've—my God, you can't even issue the writ within a year.

The claim is that not only will it serve the public infinitely better in terms of delays but the cost will be very gravely affected. They admit the very high cost of court proceedings, particularly on the civil side, is not the result of the fixed sum charged by the government for issuing a writ or taking any steps in the process but the result of fees charged by lawyers to represent their client's property in the manner dictated by the system.

Dictated by the system—when the lawyer has to appear and cool his heels in the hallway or go away and the court lists are too jammed so he has to come back on another day, he has to charge for every instant of that time. He is going to charge for it at the full rate and the cumulative costs in the matter become astronomical. The public gets cooled off. How many people come to see you these days? I have a case and here is my bill of costs; how can it be larger than the amount of judgement? It is just absurd.

The largest share of the blame of the high cost of litigation must lie with the nature of the organization and the inefficiency of the system. The time wasted by lawyers, litigants and witnesses because of inefficient or uncertain scheduling of cases, and unnecessarily complicated procedures are by far the largest contributors to the costs. Because of high overhead, a lawyer today must charge for his services on an hourly basis throughout his working day. To a lesser extent, this is also true of many witnesses. The traditional management assumption in our court system has been that the judge's time is to be fully utilized even if it means that lawyers, witnesses, litigants, Crown attorneys [Attorneys general—I keep on adding things] must be kept waiting.

There is a very good book which we cited in earlier estimates of the Attorney General, which comes from Great Britain, about the business of scheduling cases and setting up appointments. If there is a 15-minute or half-hour lapse between cases, it is the judge, who

is the public servant, who would sit and wait. Surely he could find a little perusal of Playboy or something might just occupy that period of time.

The whole system is feudal. It honours the lord of the manor. It bows an obeisance because he happens to wear either a purple or a red robe—what other colours have they got these days? Robes themselves are ridiculous. However, they add dignity to an otherwise undignified person, don't you think? I am always impressed from the back.

In the summary of recommendations—

Mr. Ruston: Act 2.

Mr. Chairman: Did you have something to say, Mr. Ruston?

Mr. Ruston: We are moving into Act 2 or 3.

Mr. Lawlor: Now we come to the central core of this matter on page 28.

Mrs. Campbell: I wish you would do your homework for the next one.

Mr. Lawlor: The report says:

The most delicate and important relationship of the provincial director and regional directors will be the judges. We strongly recommend that the administrative framework be structured so that it is perfectly clear that on matters of adjudication, including administrative matters which are regarded by the judges to bear directly on adjudication, the directors would be required to abide by the wishes of the judges.

Now the nub issue, as I understand this problem at this time in history, is that—and I could be wrong about this and correct me if I am—the judges themselves—no doubt some of them, as you never get perfect unanimity particularly among judges in this world—

Mrs. Campbell: Or lawyers or doctors.

Mr. Lawlor: Well, the judges have more weight in a way than most. They can cut off their head. There are no doubt judges who find the Law Reform Commission report itself in any of its dimensions unpalatable, no doubt. Still I would think that the great swath of judges, county and Supreme Court, and I suppose provincial, though I don't think there is that much concern there—

Let us pause there. If this goes through, the criminal courts will be all amalgamated at the provincial court level in a separate

court, and the family court with its extended jurisdiction will be moving over here. I think that they are so preoccupied with seeing what that convulsion may entail that they haven't much time to watch the picture enveloping around them at the present time like a snakeskin.

To come back on to this theme, I think that the nub issue is whether the Attorney General conducts, not the overall long-term direct surveillance and administration of the courts in a direct way—that is what is promulgated here and that is not the problem. The problem is the day-to-day operations of the courts as to who has the final say in that particular regard. Surely that is a bit of a nebulous problem with day-to-day or long term. What does this mean in temporal terms? It doesn't seem to me to involve that delicate and tricky an issue.

I get the impression that a good deal of the debate going on is a storm in a teapot being generated because of ancient jealousies, the jealousies of particular prerogatives being involved over against the whole of contemporary life. That is what I was saying a bit earlier.

In this regard, with the delicacy of interest shown by the Law Reform Commission to recognize and give every conceivable scintilla of benefit to and bend over backwards to accommodate the judges in regard to this reorganization, I would think the Attorney General, whether he has the day-to-day or long-term administration of the courts under his direct surveillance, would be equally as delicate and equally as sensitive to the feelings of the judiciary in this regard until at least they become used to it when a more easy, ongoing, trustful relationship may be generated. One can well understand that in the thing, having been so deeply rooted in tradition, one is loath to change, particularly if you think that you are the anointed high priests and guardians of the established order and that never an iota shall change.

I think that has to be respected. That is a kind of weakness to which the flesh is heir, including judges' flesh. And if you take just a moment for musing: Here are these men, astute, judging the lives of others, holding them in the palms of their hands in most instances; people, even highly equipped lawyers, come before them in trepidation. They learn to be objective, to disregard their own feelings, because to the degree our own feelings come into the talking of any matter to that extent, of course, it becomes warped and subjective and our perspectives are misaligned.

The philosophers have always taught that the only faculty we have that really meant us to transcend that, so that we could talk to one another and come into a mutuality of accord, was reason.

These are the so-called purveyors of reason to an extent in our society that no one else can touch them. This is their forte. But when their own sensitive sides are touched, where is reason? What happens? As you get older, maybe a little like Balzac, and you look out over the human scene, you see that every group in society, however sage or however balanced they are with respect to the affairs of everybody else, when you prick them and it touches them personally, they suddenly go awry. Surely the judge should be able to overcome that.

Surely of all areas in society we should least expect any acrimony, any sense of embitterment, any sense of grumbling under the breath about being dislocated somehow, from the judges. If they have something to say, let them come forward, either as a body or individually, and say it calmly and rationally to us. That is just what is not happening, and that makes one weep a little in this particular context, because we expect better.

It makes you doubt the quality of justice if this can't be done. If you can't reach some degree of judgement over yourself in your own life, then you are hardly going to be in a position to do very well with others.

This means that there is a unique constraint on the power of the professional court administrator which would not exist if he were performing a similar management role in a business organization. It is not always clear in the operation of a court system which functions are adjudicative and which are administrative, although we have attempted to draw some distinction in chapter 1.

The basic distinction is the business of the assignments of judges. If a judge is going to be assigned to a case, that has to be a judicial function, otherwise the manipulative Tory government, we know, would be appointing judges to hear their own cases all the time. The only case I would forgive them for would be in the Dow-Jones case. If it appoints somebody to do something, I would think there might be some merit to that.

**Hon. Mr. Welch:** Do you mean Dow Chemical?

**Mr. Lawlor:** Dow Chemical, yes. I keep on kidding; I am anxious to joke—

**Hon. Mr. Welch:** I thought that may have some reference to your investments.

**Mr. Lawlor:** No, it is not a Freudian slip. For me, it is the Dow-Jones case.

But if there is legitimate doubt [and this is the crucial sentence, I think] about a particular function, it would have to be resolved in favour of the judges.

Now I will try to extract from you during these estimates whether you agree with that statement. If you had the type of plenary power, the direct power that you are obviously seeking, in a crunch, even if you thought they were wrong, would you resolve it in favour of the judges? My advice, for whatever it is worth, is to do so and to say that you are prepared to do so.

**Mrs. Campbell:** The answer would be no—in the past; I don't know about now.

**Mr. Lawlor:** I think you are right. I think that is the nub issue here, that he would feel that he would have to say no because that may otherwise wreck the scheme—no, not wreck, but cause some—

**Hon. Mr. Welch:** Are you discussing my answer?

**Mr. Lawlor:** Yes. We don't expect to get an answer out of you, Bob. Margaret will supply your answers.

**Hon. Mr. Welch:** You'll let me join this discussion eventually, will you? That would be great. Thanks. I just want to file a caveat. How is that? Is that all right? Is that proper language?

**Mrs. Campbell:** Well, that is a typical sentence.

**Mr. Chairman:** Did you wish some response to your comments, Mr. Lawlor?

**Mr. Lawlor:** I am just beginning to get into this subject. If he wants to give an interim response, yes.

**Mr. Chairman:** Do you have further remarks on item 1? If you don't, Mr. Minister, would you respond and then we can call the vote on item 1?

**Hon. Mr. Welch:** Oh no, I think the hon. member wants to speak further.

**Mr. Chairman:** Oh, I am sorry. I thought that he said that he had completed.

**Mr. Lawlor:** Oh no.

**Mrs. Campbell:** He is just starting.

Mr. Lawlor: How can you misunderstand like that?

Mr. Chairman: On item 1?

Mr. Lawlor: You are almost as bad as a judge. They might appoint you one of these days when they diselect you or something.

Mr. Chairman: On item 1?

Mr. Lawlor: Item 1. We have been on item 1 for a week, for heaven's sake.

Mr. Chairman: Then please continue, Mr. Lawlor, so that—

Mr. Ruston: We haven't got through one vote yet.

Mr. Lawlor: I won't answer that. I don't want to be here a week either. I can't stand much more of this.

Mr. Ruston: Just like the rest of us.

Mr. Lawlor: To continue:

Thus the directors of court administration would be expected to develop and maintain a very special relationship with the judges, a relationship to which the judges would have the utmost confidence in the directors in the exercise of their administrative functions.

I don't think the judges would have that confidence initially, in any event, if they are bypassed, to make their chief reporting from the regional level directly to the provincial director, thence on to the minister. I don't think you intend it to operate that way in any event. You may intend it to operate in that way in the ultimate sense of the final authority, if it is to be laid down.

I want that final authority bent. I want, if you will, that final authority at least initially made into a palliative; sugar coat that pill; bow to the judges at the ultimate level. At least give them the understanding that if they have these—I suggest to you that, having achieved that kind of legislation, you sit down in the quiet of your office with the chief judges and the chief justices, one at a time—in order to divide the ranks in the traditional fashion—or altogether and thrash it out. I am as sure as I can be that the legitimacy of your request and the legitimacy of theirs in any particular thing affecting adjudication will work itself out.

Again, these various judges will take a greater interest as time goes on in the court functions before them and become more deeply involved, as they are not presently involved in most cases at all, in the actual work of their courts. I suppose it is a bit analogous to taking the principals out of their offices and putting them back in whatever classes they were taking; or half the professors of the university out of their administrative functions and putting them back where they belong, for what they were trained to do and which they do best.

The whole system has gone awry in terms of people performing functions which they weren't trained to do and which functions they do simply on the basis of conspicuous consumption and prestige. The laurels, the medals pinned on your breast as you lay out flat on the tombstone, are all for the administrative things you do. The accolades and the really valuable things you do are rather diminishing and the medals don't even glitter in the dark. So men tend, by the very force of vanity—and even judges have been known to be vain—to go off—I was going to make a wry remark.

This particular position, I think, is very well summarized as to its overall picture in the volume, the subsequent and quite a bit later volume on family courts. They try to put the family court into this total picture and they say they found four major defects: The lack of a clear definition of responsibility for the administration of the courts — and surely that is evident enough, not only with respect to the Supreme Court and its total failure even to schedule its cases, where five judges have to come in to take over in order to see the thing starts moving. On the county court level I think the lists on the civil side are pretty good. As for trials de novo appearing before the county court, there is a tremendous backlog, partially as a result of your own legislation. That is, removing a certain stipend that had to be paid in order to take the summary conviction to a higher court. But everybody does.

Anyone whose licence is in jeopardy, for heaven's sake, is going to lose some demerit points over a two-year period. He immediately takes his case up to the higher court—it is going to be at least six months before the case is tried. With a little finagling he might even get it over within a year. It is a beautiful setup. I was thinking of doing it the other day when I lost some points. Why not? The road is wide open. However,

I was so busy preparing for your estimates I lost the opportunity.

Mr. Chairman: Mr. Lawlor, I don't wish you to lose any further points this evening and it being 10:30 I think we should adjourn—

Mrs. Campbell: You did it, Pat.

Mr. Chairman: —until following the question period on Thursday afternoon.

The committee adjourned at 10:30 o'clock, p.m.

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Ontario. Legislative Assembly

# Legislature of Ontario Debates

## ESTIMATES, MINISTRY OF THE ATTORNEY GENERAL

Standing Administration of Justice

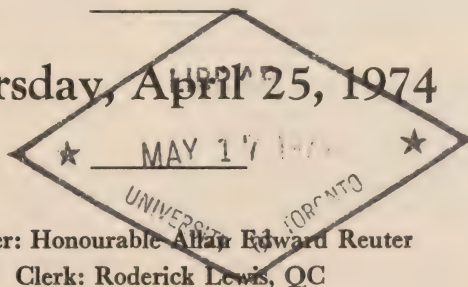
[Committees]

Chairman: Mr. J. A. Taylor

OFFICIAL REPORT — DAILY EDITION

Fourth Session of the Twenty-Ninth Legislature

Thursday, April 25, 1974



Speaker: Honourable Allan Edward Reuter  
Clerk: Roderick Lewis, QC

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(Daily index of proceedings appears at back of this issue.)



# LEGISLATIVE ASSEMBLY OF ONTARIO

THURSDAY, APRIL 25, 1974

The committee met at 3:30 o'clock, p.m.

## ESTIMATES, MINISTRY OF THE ATTORNEY GENERAL (continued)

**Mr. Chairman:** If we could bring the meeting to order, we were dealing with vote 1206, item 1.

On vote 1206:

**Hon. R. Welch** (Provincial Secretary for Justice and Attorney General): Mr. Chairman; with the concurrence of the committee I'm wondering if—

**Mr. V. M. Singer** (Downsview): Vote what?

**Hon. Mr. Welch:** Vote 1206.

**Mr. Singer:** Vote 1206? Did we get that far?

**Hon. Mr. Welch:** Administration of the courts.

**Mrs. M. Campbell** (St. George): Oh it's 1206; that is the one?

**Hon. Mr. Welch:** We are attending a dinner this evening for the judiciary. I'm wondering if the committee would rise at 4:30, so that I could attend to some functions in that particular line.

**Mrs. Campbell:** Oh, I thought we'd agreed to rise at 5.

**Mr. Singer:** I want to ask the minister a question about that dinner. I understand it's being sponsored and paid for by the government of Ontario. I wonder why, when you organize anything like that, you don't invite the token representatives of the opposition?

**Hon. Mr. Welch:** Well, to tell you the truth, I thought you were invited.

**Mr. Singer:** Pardon?

**Hon. Mr. Welch:** I thought you were invited.

**Mr. Singer:** No, sir. I wasn't.

**Mr. P. D. Lawlor** (Lakeshore): We have never been invited to a dinner, in my experience.

**Hon. Mr. Welch:** Well, I'm sorry. Of course the invitations to this whole thing were organized some time ago. But I just assumed that's one of the reasons you'd understand why this meeting wouldn't be very long today. I'm sorry.

**Mr. Singer:** No, sir. I say this sort of half facetiously, but with some real concern.

**Hon. Mr. Welch:** I'll check into that. I'm sorry.

**Mr. Lawlor:** Are you the chief speaker?

**Hon. Mr. Welch:** There is no speaker this evening; I am the chairman.

**Mr. Lawlor:** It's just a dinner.

**Mr. Chairman:** The minister is the chairman of the dinner, and I think under those circumstances the committee surely would be prepared to rise at 4:30 to accommodate him.

**Mr. Lawlor:** Oh, I'm not going to object to that. I just want to join Mr. Singer in saying that we have not enough communication going—I don't think the minister has, much less anybody else. But the fact is that we ought to be accorded that kind of courtesy once in a while.

**Hon. Mr. Welch:** Well, I think the critics of the two parties should be on that list. I'm surprised. If you've got time to go home and get a black tie, we'd be glad to have you come. I could accommodate you even tonight, if you wouldn't consider it too late an invitation.

**Mr. Singer:** It is a bit late.

**Hon. Mr. Welch:** I'm serious.

**Mr. I. Deans** (Wentworth): Was the member for Downsview going some place for dinner, anyway?

**Mr. Singer:** Yes.

**Hon. Mr. Welch:** I'll check into that.

**Mr. Chairman:** Well then, Mr. Lawlor, I wasn't sure whether you had completed your remarks or not. They were rather extended, but I doubt whether you reached the substance of what you were going to say.

**Mr. Lawlor:** No; extended but all to the point, I think you'll agree Mr. Chairman.

I'd like to continue and wind up on that particular problem. The problem which was under discussion is one of the two major ones that confront us, or afflict us or whatever you will, this year.

It has to do with a proposal to, in effect, amalgamate and place under one head, namely the Attorney General, the whole administrative apparatus of all the courts in an integrated way.

There are certain stirrings that we hear, from certain levels of judges at least, that this is not designed to promote justice overall in the province; and particularly that it trespasses upon the independence of the judiciary, which is a very grave matter indeed if such be the case.

The feeling is, as in many things connected with law, that if a thing very well might, or even conceivably possibly, would trespass, then it is better to skirt it and scout it—to stay away and not to do it. That's hardly possible for contemporary governments which have responsibilities to be forthright, to protect the public purse, to have cases adjudicated promptly without delay and with the minimum cost—both to the taxpayer in the general public and to that particular taxpayer who happens to be a litigant before those courts. He, in a double way, must be safeguarded.

We have to balance these two sets of interest with a great shrewdness, and it evolves upon the head of this Attorney General to come to some conclusion in that regard.

My advice as a member, a critic of the Justice secretariat, for what it's worth at this time in history as indicated the other night—and I have thought about it a bit since—I would suggest rather than ruffle feathers that you adopt the proposals set out by the Law Reform Commission in their present state. That you do not insist upon the day-to-day immediacy of jurisdiction or power in the administrative area over the courts, if that seems to be a cause of grave discontent among the judiciary which must be kept pacific.

I would suggest in the area of gradualism, in the area that was normally known as wisdom, that the initial onset of the court

administrators will be a sufficient dislocation—from the point of view of the judiciary in any event, particularly at the county and Supreme Court levels—to preoccupy a good year or so. If at the end of that interim, or even possibly a longer time, it becomes palatable, then accommodations are made. The rough edges are hewn off. The sense of trust in the court administrators, regional or otherwise, is established by the give and take of everyday life. At that stage I don't think you would, if it is feasible, pragmatically wise, that you will go to this further position you are taking, apparently, from the outset.

Surely enormous benefits will be conferred by simply adopting the proposals as they now stand, from your point of view and otherwise.

Isn't it better in matters of law and in matters of this kind perhaps to go a little slow? I know your feeling is that in terms of the scheduling of cases, for instance, you have no quarrel at all about the assignment of judges. I think that is a clear field. But in the area of scheduling cases the judiciary have hesitations. They feel that very easily, not only by imposing an excessive caseload upon them; but by dictating to them time intervals over which cases may be tried, in effect it would be streamlining justice on a pragmatic basis.

It might be asked, "Why did you take 27 minutes to complete a case when you might have done that in 25? Your fellow judge did." By the time we have the whole apparatus of the computer banks all loaded with information—in a fairly short period, I hope—we will know precisely how long it's taking various judges and various courts to determine particular issues. A shrewd estimate can then be made of managerial functions as to how long they should take and whether some judges are dragging their heels; and whether there is not sufficient forthrightness in entering into particular cases and terminating them.

All this is going to come to light and surely the judge, like any professional man, wants an amplitude of elbow room, just as I want to sit here and talk for quite a while. I feel that any incursion upon that is a limitation of my primary liberties and responsibility. If rules were imposed saying we were limited to 15 or 20 minutes, I would feel there was such a restriction I may as well go home.

Judges may feel the same way—and do, I am sure—with respect to the way in which they adjudicate cases. So with respect to that aspect in the Law Reform Commission report

I am sure you would not depart from it even if you had the day to day—you would have to do it in profound consultation with the judges at all levels.

What does consultation mean in this context? Do you mean that if the judge finds a particular delimitation or scheduling irksome you can say, "You bloody well have to do it"? No, you are not. You couldn't possibly do that. The uproar and furore coming from the opposition and from the citizenry at large would be too great for that. That is fundamentally and precisely what the Law Reform Commission advocates. In that particular context that's the position I am taking on behalf of the New Democratic Party. I have set it out as best I know how and I would ask you to accede to that position as it will bring you the least grief in the long run.

It is kind of interesting to take a look at chapter 7, "The Administrative Responsibility for the Family Court," in that particular volume because that volume—

**Mr. Singer:** I have the same point of view.

**Mr. Lawlor:** Yes—in a succinct way repeats what has been said in the earlier volume. In other words there is an interim of time between the issuance there; time to get the repercussions. The committee continued to deliberate and subsequently came out with substantially the same proposals except, as we get into the problem of merger, some very interesting developments take place. But that is the second part of my colloquy this afternoon.

In the first part they basically—redefine the objectives and the position reached along the following lines: The lack of a clear definition of responsibility for the administration of the courts—these are the defects—the lack of professional administrative personnel; the lack of an integrated approach to administering all aspects of the system.

How Mr. McRuer can subscribe to that third proposition and at the same time set up his dissenting opinion—the early part, of that is the integration business. It seems to me that he perpetuates disintegration, at least to some substantial degree, over against the majority recommendation of the report. I would be most interested in learning of his position in this regard, because it's never frontally addressed.

I just want to repeat one sentence that kind of ties down the issue as I've outlined it. That's at page 48 of the major report: "...but if there is a legitimate doubt about

a particular function it would have to be resolved in the favour of the judges." I hope that has great merit.

Towards the bottom of 29, the following propositions are placed forward:

A major purpose of our recommendations is to facilitate a clear allocation of responsibility for many aspects of the administration of the courts under the Attorney General. Determining what aspects of the operation of the courts fall into the category of administration is in some instances quite simple (e.g., responsibility for physical facilities, budgets, supplies, staff, paper systems and statistical reporting)....

And that is, I'm sure—maybe I shouldn't say I'm sure about these things because I'm not really. It strikes me as passing strange that there would be very much kick coming from any quarter over those particular designated heads.

That's the reason why, it seems to me, you can't go out on the four separate and distinct streams that Mr. McRuer advocates and why you would have to go to the centralized system of the court of administration. Because if you're going to provide supplies, staff, paper systems and statistical reporting, surely that can be done in a blanket way right across the board.

At the present time it entails infinitely too much of the time of judges, particularly the lower court judges, the provincial court judges. The chief judge is preoccupied full time on this and certain other judges of these courts throughout the province spend much too great a time sitting in their offices, ordering supplies and computing budgets and doing all kinds of paper work, when they very well might be sitting in that courtroom meeting the caseload. This is what they wanted to be doing when they were lawyers—to be in that courtroom doing it—and is what they are precluded from doing once they become judges—particularly the first judge on the ladder. The newest appointee becomes the herdsman or the goat boy and has to go about performing all these secondary functions.

While other aspects are more difficult to define, for example the scheduling of the cases, as we explain in this chapter and elsewhere, so far as is possible case scheduling should be left to the administrators, although it should be carried out in consultation with the chief judge or the chief justice. But the assigning of judges to cases must remain a judicial function.

They go on. At the top of this page, they say:

While there must be constant consultation and liaison between the court administrators and the judges, particularly between the chief justice and the chief judges, the court administrators are ultimately responsible in purely administrative matters to the Attorney General. In relation to the Ministry of the Attorney General, the court administrators should not be a part of that department.

That's precisely what you propose to make it, you see.

Then at pages 30 and 31 there is an outline—I won't spend a great deal of time on it—of what are the precise designated duties of the provincial director of court administration on one side and the regional directors on the other. The one is 15 items long. Out of those 15 items it is very interesting to note that in the second, fourth, ninth and 10th items, very great emphasis is placed upon the ongoing liaison and consultation. I shall just refer you to the fourth, for instance.

The provincial director:

... should consult on a regular basis with the chief justice or chief judge of each class of court with respect to such matters as judicial manpower needs, changes in jurisdiction, and methods of scheduling and arranging sittings, and should transmit any recommendations the judges wish to make on these matters to the Attorney General.

Surely, that's a good, ongoing, fine relationship where neither party really takes—it's a give and take process where they can reach a mutual accord, and the consensus will mean the load is taken off the judges with respect to the actual doing of the task, but mutual understandings are reached in the process of trying to determine precisely what to do—night work, for instance, in consultation with chief justices and chief judges. He should develop policies and standards regarding hours of court sittings throughout the province. That would be a peculiarly administrative function by any stretch of whoever's yardstick.

Nevertheless, the Law Reform Commission says: "should consult . . . with"—it ought not to be done arbitrarily or outside of or imposed upon the judges but reached in accord. The business of preparing budgets for operation also should be done after consultation. This is repeated over and over again and all to the good. If the judge still feels that he is intrinsically participating, that

his word has enormous weight, that he's involved to the fullest extent, that his position insofar as this may affect the administration of justice in his court is not being arbitrarily misconstrued or circumvented in any way—it's a full sense of mutuality and give and take and participation in this matter.

We haven't said very much of anything thus far about the duties of the regional directors. But again in instance after instance, on the six major recommendations under that head, every clause starts with consultation with the chief judge of the High Court and his staff. They should consult the senior county judges and so on with respect to the rotation or reassignment of judges. I am sure that would be a final determination, but working together you would never know where the decision would come from, and that's all to the good.

They should consult with respect to providing all necessary facilities for county court sittings in the region. You should assist the senior provincial court judges in the region in the reassignment of judges in the region. You should reassist in that particular government. You have got a role to play. It is not exclusively one side or the other. It's a play back and forth. That's the tone and temper of the Law Reform Commission report.

Sitting back from it and hearing the mutterings from the side of the mountain and the guttural sounds that seem to be coming from hither and yon—is not this the medium course to take and fly with a middle wing instead of trying to directly soar to the top of that peak? Eagles are becoming scarce you know, under present ecological conditions, and just maybe some helicopter will shoot you down. Do take it easy, Mr. Minister, and move into this thing with grace and aplomb. Simply keep on pointing to this book and say: "There is my mandate. I have intrinsic trust in these five men. They have done yeoman service on my behalf. If you want to go and attack anybody and cut them down to size, then just convene a little meeting with the five—shift the load off yourself and advance the cause at the same time."

I want to say a word or two about executive assistants. Again—

**Mr. Singer:** Before you get on to that subject, could I get in on this?

I find myself pretty well in complete agreement with the remarks of Mr. Lawlor. I might say that although I was called to the bar in 1947 and have been practising

law more or less since that time I have never seen such a storm created amongst the profession or amongst the judiciary as this precipitate announcement by the Attorney General's predecessor (Mr. Bales).

I find it very, very hard to understand. It's not political in its context. It's a concern without—well, the judges have no politics, it says in small print—but not referring to the bench.

One of the strongest spokesmen against this announcement has been the treasurer of the Law Society who perhaps is of Liberal persuasion. One of his greatest supporters in this is a very well known counsel in this province, Mr. Arthur Maloney, who is perhaps of Conservative persuasion. There are NDP lawyers who take exactly the same position. It is not a political issue at all.

**Mr. R. Haggerty (Welland South):** It is an apolitical area.

**Mr. Singer:** It is a question of interfering where an awful lot of people don't believe the Attorney General should interfere. The present Attorney General, in his biography which appeared in the Star, felt that those who opposed Mr. Bales' decision should show cause as to why it is opposed. I would have thought the shoe should have been on the other foot and that the present Attorney General should show cause as to why he is reversing the very strong recommendation of the Law Reform Commission.

I think that is where it starts. What are you going to do if the judges who, in their independence, have every right to do it—you know, as I do, that if the judges get their backs up they are going to say "You can't give orders to us on what to do. We'll just do what we damn well please."

I'm not suggesting for a moment that any judge would ever have said that, either privately or publicly, but knowing just a bit about the judicial mentality I wouldn't be surprised if some of them are thinking that. That may well happen. I don't know why you have got yourself into such a storm.

**Hon. Mr. Welch:** Mr. Chairman, if the hon. member would permit, I don't want to interrupt the train of thought—

**Mr. Singer:** No.

**Hon. Mr. Welch:** —but I thought maybe you would like to have this information, Mr. Singer, as you develop your point of view.

I think it should go on record that the county court bench certainly does not take

exception with the statement of my predecessor on this particular point. It does have something to say on the subject of merger, as you know. But, I think, generally speaking, the county court bench has gone on record as rather agreeing with Mr. Bales with respect—and when we say Mr. Bales, I hope you appreciate at that time—

**Mr. Singer:** It is a government decision, all right.

**Hon. Mr. Welch:** No, it was a government statement at that time.

**Mr. Singer:** Yes.

**Hon. Mr. Welch:** That is why the present Attorney General, in the light of a government statement, took the position he did on his appointment saying, "This was the government policy at that time. I know it is creating some concern; let's hear what are these areas of concern."

When we talk about the judges being generally opposed to it, I think we should be very clear that the county court bench is not opposed to this.

**Mr. Singer:** All right. This points me to the next point I wanted to make. I find it very difficult, really, to assess within any specifics what the judges, all of the judges, really feel.

**Hon. Mr. Welch:** That is fair enough.

**Mr. Singer:** I know what has been told to me personally and the judges who have talked to me about it are very unhappy.

**Hon. Mr. Welch:** You see, just as another part to Mr. Lawlor's, to put this into the proper perspective, the Supreme Court judges do not agree with the Ontario Law Reform Commission's recommendations.

**Mr. Singer:** This is one of the reasons why I said at the beginning of these estimates that if the—

Interjection by an hon. member.

**Mr. Singer:** Yes, I goofed.

**Mr. Deans:** His black suit isn't going to be ready in time.

**Hon. Mr. Welch:** No, that is just assurance everything is well.

**Mr. Singer:** If the Attorney General is going to go around on these show-cause hearings in an effort to ascertain the opinion of judges and lawyers and members of the

public there should be some vehicle available to us in this committee and to the members of the Legislature generally to ascertain what the real thinking is. I can only report what has been told to me. I'm interested that the minister says the county court judges are against it but there are an awful lot of county court judges.

**Hon. Mr. Welch:** No, the county court judges are—

**Mr. Singer:** Are against the recommendations of the Law Reform Commission in favour of Mr. Bales' position?

**Hon. Mr. Welch:** No, the county court bench assured me that on this question of the division of responsibilities as to administration and the judicative function it agrees with the government statement. The members of the bench do have some view on merger. The Supreme Court judges take a very strong view and they don't concur with the Ontario Law Reform Commission.

**Mr. Singer:** What I find great difficulty in trying to come to grips with is when you speak about the county court judges and I speak about the Supreme Court judges. Who really are the spokesmen for the county court judges and who really are the spokesmen for the Supreme Court judges? Unless we can get them into a room somewhere and say, "These are the issues, what do you think?" and have enough of them there who are prepared—

**Hon. Mr. Welch:** Well, the hon. member has mentioned this before to me. But I met yesterday with the executive of the County Court Judges Association, and I had an opportunity to review their particular point of view with them. They do have an association, and indeed the president of that association and his colleagues attended on me yesterday to re-emphasize the position they had already submitted in writing to my predecessor.

**Mr. Singer:** But judges are a peculiar breed of cats. They may have a president of their association, but there may be a judge who sits in Brampton and another one who sits in Kingston who may or may not like either the president or the association and who may have entirely different positions.

Every now and then, one of them bursts forth into print. I can recall some fellow down in eastern Ontario who sounded off at great length, contrary to the view of all of his fellow judges. But that's the sort of thing

that we should have an ability to hear about, and we should provide a forum so that we can hear about it so that within the best political judgement that can be arrived at, we have some idea of their thinking.

I'm not too sure—as I say, I have no idea—that the executive speaks for all of the county court judges in Ontario. And I think that an effort has to be made so that the members of this committee can get to know what all of the judges think or give them a place in which they can put forward their opinion.

Not too long ago, I happened to be in the chambers of Mr. Justice Parker on a legal matter. During the course of our discussion we were interrupted on several occasions by phone calls that came to him because he has assumed the responsibility of allocating judges and saying to Mr. Justice X, "Oh, you're finished now? Well, why don't you go over 50 miles where the list is too long and you can fill in there?"

In the short period of time that I was in his chambers, he was moving judges all over the province to take care of cases where the list had collapsed and there was nothing for the judge to do and, in places where the list was going on far longer than had been anticipated, to send a second judge to help relieve the burden and provide the service to the public.

This is a very important thing, and I just wonder if anyone who is remote from the judicial scene is going to be able, as Mr. Justice Parker was able, to say, "Oh, yes, Bill, I'm glad you phoned in to say that your list was finished. Would you mind going to such-and-such a place?" And Bill would listen to Mr. Justice Parker and say, "Sure, I'll go." On the other hand, if he gets a call from an official who is working out of a different office who makes the same kind of a suggestion—and I don't care how diplomatic or how persuasive he is—it is not going to go over nearly as well.

**Hon. Mr. Welch:** Well, I agree. In fact, I think that point should be clarified. Certainly, in Mr. Bales' statement of government policy the assignment of judges itself was to be left with the judges.

**Mr. Singer:** Well, I don't know how long it's necessary to beat this subject. Both Mr. Lawlor and I have raised it and, I'm sure, so have many other people; I've mentioned people in the Law Society, and I've mentioned conversations with judges.

In summary, I think one of the best editorial references I've seen is an editorial that appeared in the *Toronto Star* on December 22, 1973, headed, "The Courts Belong to the Public."

There can't be any argument with Attorney General Dalton Bales' assertion that the administration of the courts ought to be at the convenience of the public and not the lawyers. There is argument about how the objective might be attained.

There's been a growing volume of complaint about the courts—about long delays in bringing cases to trial, the lengthening of lists, of adjourned actions.

The Attorney General proposes to remedy this by placing the administration of trial and appeal courts under officials of his own department instead of under the judiciary as at present. And Bales feels that this proposed lay administration—

**An hon. member:** Administrator, shouldn't it be?

**Mr. Singer:** Yes, there's a grammatical error in the editorial.

**Mrs. Campbell:** Heaven forbid!

**Mr. Singer:** To continue:

—would be less lenient, granting postponements only when good cause existed and thus helping to clear the lists and reduce backlogs. But the idea has drawn protest from lawyers and judges. The profession fears that the independence of the courts may be threatened if their day-to-day administration is in the hands of civil servants responsible to a member of the cabinet.

The minister's reply is to say that the administrator would not at all interfere with the conduct of trials or decide which judge would hear any case. It very well may be that the critics are being a little alarmist. Nevertheless, there is a potential there, sometime, for the introduction of government influence over the judicial process, something which is to be avoided at all costs. The independence of the courts is the only security for the individual citizen involved with the law. The arrangement proposed by the Ontario Law Reform Commission last month is preferable, namely, that a staff of administrative specialists should be appointed within the courts to relieve judges of administrative work and that this staff should be independent of the Attorney General's department.

**Mr. Lawlor:** But they are not really. That is an absurd statement.

**Mr. Singer:** The editorial goes on to say:

Bales objects on the ground that it would give the government insufficient control over the costs of the courts. It would be writing a blank cheque, but perhaps, too, that is alarmist. In any case, cost is not everything where so important an issue is involved. [They conclude by saying] The arrangement proposed by the commission should be tried first.

That substantially is the case. I can hear and understand, though I don't agree with, the position taken by the former Attorney General. I am very disturbed that such a storm has grown up in regard to this matter.

Before I could go along with the departure from the recommendations of the Law Reform Commission, I would want to be able to hear myself, somewhere and somehow, the opinions of those people who are going to be affected. I think the Attorney General has a responsibility to create an appropriate forum, and that the discretion be his as to what is appropriate, where we can hear as many judges who want to be heard, where we could hear the treasurer of the Law Society, benchers of the Law Society and other lawyers, and where we can hear members of the public. I don't think the decision should be made until we have had that kind of an opportunity to go through this subject and to rehash it. In the meantime, I find myself in substantial agreement with the concluding sentence of that editorial in the *Star* that the arrangement proposed by the commission should be tried first.

**Hon. Mr. Welch:** Which is Mr. Lawlor's point.

**Mr. Singer:** Yes.

**Mr. Chairman:** Mr. Deans, did you wish to comment on this point?

**Mr. Deans:** No.

**Mr. Chairman:** Mr. Lawlor, did you wish to continue on your other points?

**Mr. Lawlor:** I am not going to. I could go on, I suppose, at some length. I think the main points have been made, and made soundly, on both sides of the opposition now. I think you know substantially how we feel.

I just wanted to ask you something. I don't know if you can do it. I am most interested, if possible, in having a comparison, a cost-benefit analysis, made, particularly

on the cost side, that is, in hard fiscal figures, not just those value judgements that go into the matter, as between Mr. McRuer's scheme and layout, a model of the courts as he sets it out on page 43, over against that of the rest of the committee. I am sure you are going to have to work that out.

I am quite certain—and this may be a minor consideration and probably is a minor consideration—that the McRuer scheme is a good deal less costly. It simply adds a layer on to the top.

In the case of the deputy director of the High Court, of the county and district courts, of the provincial courts, criminal jurisdiction and, fourthly, family jurisdiction, I wonder what his staff would be in this regard for maintaining the present structure, over against the centralization in this thing, together with regional directors—eight of them, I believe, tentatively—under a supervisory director in effect. I wonder whether there isn't a considerable saving. Even if there were, the saving would have to be immense to convince me that the very well reasoned and forthright statements made by the former chief justice really should stick and that we should give much content to them and much weight.

In this particular regard, the most pungent statement that he makes is at page 43. He says:

The lines of direct communication respectively between the local registrars, the county court clerks and clerks-administrators of the provincial court criminal jurisdiction and family division, with the chief justice of the High Court and chief judges of other courts would be destroyed by interjecting regional directors having responsibilities for administering all the different systems of courts in their particular regions. They would report to the provincial director of court administration who would hold discussions with the chief judge or chief justice concerned.

How much that consideration really obtains and has weight and ought to exercise weight is a real moot point.

As to the scheduling of cases, Mr. McRuer says that the scheduling of cases in the first instance should be the responsibility of the local registrars, county court clerks, local administrative clerks of the different courts. That's a derogation from the thing which seems to me, perhaps, more questionable than even the scheduling of cases in the hands of the administrators, in this profound consultation process of which we speak. The

administrators, surely, would be more competent and, I would say, more open on the whole to the matters of scheduling, and it is the scheduling of cases, in the first instance, that has gone awry now, under the very people that he is indicating ought to have a role and function in that particular regard. So to that extent it is not working and, therefore, the weight of the argument, the weight of commonsense, if I may put it that way, lies in the proposition set down by the Law Reform Commission as to the revamping of the courts.

**Hon. Mr. Welch:** Mr. Chairman, I wonder if the hon. member would share an opinion on these two items. Assuming that there would be an administrator of some kind doing something, do you feel that he should be reporting to the Attorney General from the standpoint of his activities, or to the Chief Justice?

**Mr. Lawlor:** I think he should be reporting to the Attorney General, but always, prior to doing that, in consultation with the Chief Justice. He doesn't ignore the Chief Justice at any stage, or about anything.

**Hon. Mr. Welch:** And, if the hon. member would share his views with respect to the merger of county—

**Mr. Lawlor:** Oh, well, I have a long speech on that.

**Hon. Mr. Welch:** Well, what is the conclusion?

**Mr. Lawlor:** No. Let us finish this first.

**Hon. Mr. Welch:** All right. To be continued?

**Mr. Lawlor:** That's right. There's no use reading a Conan Doyle story if you only read the last page. Come on.

**Mr. Chairman:** Any further comments on item 1?

**Mr. Deans:** Mr. Chairman, I am not really at all sure whether what I have to say falls in item 1 or not.

**Hon. Mr. Welch:** Would the hon. member permit me to ask the hon. member for Downsview the same questions about the reporting relationship with the administrator?

**Mr. Deans:** Certainly, by all means.

**Mr. Singer:** I understand from my colleague for St. George while she served on the family court bench she was getting

memos signed by administrators and even went into such detail as to tell her where to park or if she could park somewhere.

Mr. Lawlor: Don't talk to a justice of the peace!

Mr. Singer: Yes, or don't talk to a justice of the peace. I don't think that's the perfect way to run the courts and I don't think that we can ensconce in a position a civil service official responsible only to the Attorney General who, probably with the best of good intention, is going to send out memos saying judges do such-and-such or so-and-so, because it is going to produce exactly the opposite effect.

Hon. Mr. Welch: I am sure you don't want the chief justice worrying about parking spaces at the courthouse?

Mr. Singer: No, I don't, but I would think when any memorandum goes out that, No. 1, it cannot be directory from an administrator unless and until it is done in the framework of the judiciary. Now it may be that the choice of that official should be made within the department.

Hon. Mr. Welch: I just wanted your opinion on the reporting relationship.

Mr. Singer: The reporting relationship, I think, should substantially be to the chief justice.

Hon. Mr. Welch: I see.

Mr. Chairman: Any further comments on item 1?

Mr. Haggerty: Yes, Mr. Chairman.

Mr. Chairman: Mr. Haggerty.

Mr. Haggerty: I have been sitting here since the other night and I thought you were going to bypass me.

Mr. Chairman: Yes, Mr. Haggerty, you have, and with a great deal of patience, I must confess.

Mr. Haggerty: A great deal of patience, that is right.

Mr. Deans: I would just like some guidance if I can; I don't know. I want to raise a particular problem relating to a particular case.

Hon. Mr. Welch: In what court?

Mr. Deans: It is in the Supreme Court of Ontario. The Appeal Court of Ontario.

Hon. Mr. Welch: It would be item 2.

Mr. Deans: I thought it might be, and I wasn't too sure whether to raise it in that or not. I should probably wait for that. Are you sitting this evening or are you not coming back this evening?

Mr. Chairman: No.

Hon. Mr. Welch: Friday morning.

Mr. Lawlor: We are quitting at 4:30 p.m.

Mr. Deans: Quitting at 4:30, and you are not likely to be dealing with item 2 today?

Mr. Chairman: I think we could be, yes. Mr. Haggerty.

Mr. Haggerty: Thank you, Mr. Chairman. In vote 1206, administration of courts, I want to discuss, and I think other members have discussed, the matter of fees for jury duties. I believe the fee is set at \$10 at the present time?

Hon. Mr. Welch: Yes.

Mr. Chairman: We discussed this in some detail.

Mr. Haggerty: I know that, but I can't be here and there at the same time.

Mr. Chairman: But you didn't participate in that respect?

Mr. Haggerty: No, this is quite right, and I understand that the position of the ministry right now was not to change the fee schedule, and I thought I might perhaps—

Hon. Mr. Welch: The answer was that these estimates don't provide for an increase in this fiscal year.

Mr. Haggerty: Well this is the question. I want to make a strong plea to the minister that he would give further consideration to upgrading the fees. After all, \$10—well you must have got that back in the horse and buggy days.

Mrs. Campbell: No inflation!

Mr. Haggerty: You wonder, perhaps, if there is equity in the system of justice in Ontario when you look at how the juries are picked. I believe about the only two groups of persons who qualify for it under the present time are farmers and those persons working in industry. When the juror has to lose a day's wages—\$40 a day perhaps—and picks up \$10, that is quite a personal sacrifice.

**Mr. Chairman:** Even a farmer who is milking cows may be exempted.

**Mr. Haggerty:** Yes, even a farmer milking cows—that is quite right. Again, I suppose you can look at it—if I looked at the number of juries that had been chosen in the former county of Welland, it was pretty well farmers who were called year after year, court session after court session. They've always been very faithful in serving the justice system in Ontario.

I would hope that the minister would give this some consideration. This is part of a bargaining process in unions in Ontario and sometimes the employees almost have to go out on strike in putting pressure on to the employers. They say: "We want this in the bargaining contract. We feel that we're being shortchanged and somebody has to make it up." I think this is one poor way to operate the justice system in Ontario when you have to use employees in an adversary system to bargain at the bargaining table.

I think it's outdated and I hope that you can come up with some money there. When we look at it the provincial growth factor of 1.2 of what was predicted last year, surely, you can pick up \$30 there to provide for the jurors in Ontario. Maybe perhaps more than that.

When a lawyer can go in and charge \$50 an hour while a jury member has to sit there for \$10 a day, there's no justice. Come on now, let's get on with it.

**Mr. Singer:** I don't know where this was discussed before.

**Mr. Chairman:** We discussed this last day.

**Mr. Singer:** Can I just add one word in support of what my colleague said? I suppose the most recent hardship was the lengthy—

**Hon. Mr. Welch:** The coroner's inquest.

**Mr. Singer:** —coroner's inquest in Sudbury.

**Mr. Chairman:** Mr. Martel raised that subject.

**Mr. Singer:** He did? All right, enough said. Witness's fees as well as juror's fees just aren't in keeping and it's small wonder that people turn the other way when they could be a witness, or should be a witness.

A secretary in my office was involved as a witness in a fraud case. She attended at court, I think, five times without being able to give her evidence. She continued to get her salary and a few dollars in witness fees. But the

inequity, the harassment—and she's emerged with the feeling, and I don't really blame her, that the next time the police come to her and say: "Are you prepared to give evidence against an accused person charged with fraud?" She's going to say: "I really don't remember whatever happened."

**Mr. Haggerty:** There's going to be a boycott against this sort of thing.

**Mr. Singer:** She was a prime witness in this case and it was my understanding of the case that the gentleman who was charged should be convicted. But she just got sick and tired of going from her home all the way out to New Toronto, I think it was, on five different occasions and sitting around in one of those uncomfortable, dirty little rooms where witnesses sit and wait, and she was never called.

**Mr. Haggerty:** Do they get five cents a mile yet?

**Mr. Singer:** I don't really know. But something has to be done.

**Mr. Lawlor:** Ten dollars a day.

**Mr. Singer:** The courts belong to the public and the public has got to be inconvenienced and it isn't just enough for people to beat their breasts and say: "It's everyone's public duty to participate as jurors or as witnesses."

**Mr. Haggerty:** It isn't though, Vern. I mean when you have exemptions among the school-teachers and nurses and doctors and so on, you almost single out two groups of citizens—the farmers and the persons employed in industry. There is no equity in it.

**Mr. Chairman:** Mrs. Campbell, did you wish to comment further on that?

**Mrs. Campbell:** Yes, I just wanted to address myself for a moment to this matter of administration.

One of the things I think somebody has to look at very carefully is the authority of the courts, the authority of the Attorney General, and the authority of the Minister of Government Services (Mr. Snow). Because it is tragic to me that apparently the Attorney General seems to have very little to say about the work that the Government Services may do with reference to a court.

I gave this example before, and I'm going to give it again, so that perhaps we may see some good come out of the mistakes that were made earlier.

In the family court on Jarvis St. it was decided by somebody that they would take one court and convert it into two. There were two judges involved, neither of whom were consulted. Heaven forbid that you would ever consult a judge about how you go about it. As a result—and I wasn't one of those judges—somebody let a contract or did something, who apparently knew nothing about the function of a court. They neglected to ensure that the two courts would then be soundproof. The judges would sit and listen to each other. Sometimes one of them said he couldn't hear himself, so he sat and listened to his fellow judge.

**Mr. Singer:** He'd be behind a partition.

**Mrs. Campbell:** Yes. Now they took endless time to try to correct this; and I'm sure, also, expense. Now it did seem to me again that if there is going to be work done by another ministry that somebody ought to be in charge of that kind of an operation to ensure that what ends up is, in fact, a court and not just another room some place to save some money and time.

I do subscribe at this point—and subject to what the judges themselves may say—subscribe very strongly to the view that the administrator should be responsible to, I suppose, the chief judge in that area; or to the chief justice in other areas. Otherwise, I think you are going to find that there is a breakdown in the system and you have disgruntled people who are really quite angry about what is happening. I felt I should add that particular note.

**Mr. Singer:** Mr. Chairman, since the member for St. George has made that point here—I was going to make it a little later on, but let me make it now. I think before Mrs. Campbell was on the bench of the family court we had great discussions here about the deplorable conditions in that new building.

They built a holding room for these unfortunate youngsters who had to come to be dealt with by the family court, which was windowless and airless; and they kept them in there hour after hour with no food facilities. Eventually, after much furore and fuss and fuming, air-conditioning was put in. And there were some facilities made available to provide food. I don't know how, in a new building, the ineptness of the architects could be that great.

**Mrs. Campbell:** That wasn't ineptness of the architects. With respect, the building was

planned for air-conditioning. It was, I regret to say, Reeve Marie Curtis, who prevailed upon Metro council to save costs by not putting it in—having the ducts put in, but not making it operational.

**Mr. Lawlor:** She was my mayor, bless her soul. She is now up in the country farming.

**Mr. Singer:** Well, perhaps this is one of the reasons why the cost of the administration of justice was taken over by the province.

Let me get into one of my favourite topics that I speak about year after year, and that is the situation in the provincial courts in the city of Toronto.

**Mr. Chairman:** I'm wondering, Mr. Singer, if we carry—

**Mr. Singer:** Well, it is the same thing. I'm not going to make a long or elaborate speech, but everybody knows how awful the old city hall is. How useless it is as a court house. How terrible the facilities are, the lockups, the witness rooms, and everything else. There are a couple of paragraphs in the reports of the Law Reform Commission again bemoaning the fact.

Surely it is at least as important to the progress of the Province of Ontario and certainly to the course of the administration of justice that some year very soon we neglect to build another ski resort and perhaps build a court house in the city of Toronto that is in keeping with the importance of our judicial system.

**Mr. Chairman:** Shall item 1 carry?

**Mr. Lawlor:** No. I have got this whole thing on merger, Mr. Chairman. We can do it somewhere else if you want but I thought we would save all the votes until we got to this one and then would handle it all under the general programme of administration. Do you want me to launch?

**Mrs. Campbell:** Don't put it in that term—do I launch here or do I launch somewhere else.

**Mr. Lawlor:** May I echo and confirm and condone what Mr. Singer said about the old city hall, even though it is not doing very much good? Really, it is still a blight.

**Mr. Chairman:** Do you feel the points you are going to raise come under item 1, Mr. Lawlor?

**Mr. Lawlor:** Yes, I do.

**Mr. Chairman:** Under those circumstances, if you are going to get off into fresh territory and it being about 4:25, possibly we should rise now and we could start off on that first thing in the morning.

**Mr. Lawlor:** Yes, this will be the last major debate I think.

**Hon. Mr. Welch:** On programme administration.

**Mr. Lawlor:** On programme administration.

The committee adjourned at 4:25 o'clock, p.m.

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Ontario. Legislative Assembly

# Legislature of Ontario Debates

## ESTIMATES, MINISTRY OF THE ATTORNEY GENERAL

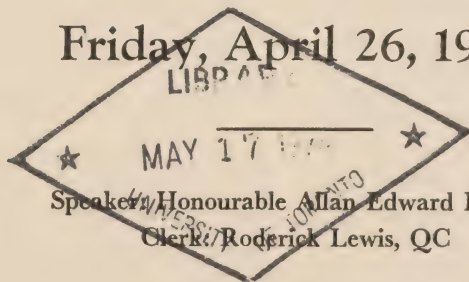
Standing Administration of Justice  
[Committees]

Chairman: Mr. J. A. Taylor

OFFICIAL REPORT — DAILY EDITION

Fourth Session of the Twenty-Ninth Legislature

Friday, April 26, 1974



Speaker, Honourable Allan Edward Reuter  
Clerk, Roderick Lewis, QC

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(Daily index of proceedings appears at back of this issue.)

# LEGISLATIVE ASSEMBLY OF ONTARIO

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FRIDAY, APRIL 26, 1974

The committee met at 11:15 o'clock, a.m.

## ESTIMATES, MINISTRY OF THE ATTORNEY GENERAL

(continued)

On vote 1206:

**Mr. Chairman:** I will call the committee to order. Mr. Lawlor, I believe you had a further submission to make.

**Mr. P. D. Lawlor (Lakeshore):** Yes. First of all, Mr. Chairman, with your indulgence, I would like to thank Mr. Herb Langdon for the two letters that he has sent me, the first setting forth the nine principles of plea discussion and the second letter containing that advertisement.

Just one word, if I may, on the advertisement, it has a clause in it that candidates should have approximately seven years of direct or related forensic experience. Apart from police officers, I don't see what group or faction in the community is likely to pick up seven years of forensic experience, whatever that means. Perhaps you could explain that to me. Do you mean by that actual courtroom experience or do you mean in a broader sense of adversary proceedings of one kind or another having to do with courts?

**Mr. V. M. Singer (Downsview):** What is the interpretation of the word "forensic"?

**Mr. Lawlor:** Well, that's what I am asking.

**Mr. Singer:** I have heard of forensic medicine.

**Hon. R. Welch (Provincial Secretary for Justice and Attorney General):** Mr. Callaghan I think could be helpful to us in this.

**Mr. F. W. Callaghan (Deputy Attorney General):** What we really were looking for were people who had at least an exposure to the court system. A number of the people appointed were court clerks, court administrators, people who had actually worked in the system in the past. That's what we were directing that particular comment to. There were some police officers too.

**Mr. Lawlor:** Well, police officers have got a peculiar inside track on the advertisement. That is my suggestion to you.

**Mr. Callaghan:** No, I can get you the figures. I can't even give you a guess now, but I think approximately 50 per cent of them were police officers and the other 50 per cent were people in related areas.

**Mr. Lawlor:** I won't dispute this morning, Mr. Deputy, but I heard a figure of 15.

**Mr. Singer:** They were 15 out of 20 who were appointed.

**Mr. Callaghan:** Well, I stand corrected on that.

**Mr. Lawlor:** It is pretty high. I took a little umbrage and I think the official opposition did too on that particular occasion to such a weighing factor. It excludes law students who obviously by definition couldn't have seven years forensic experience or who are not likely to in any event.

**Mrs. M. Campbell (St. George):** I don't think so.

**Mr. Lawlor:** On the other hand, the Law Reform Commission, when it makes its propositions with respect to replacing police officers as prosecutors in the courts, does mention and gives great emphasis to the possibility of law students as participants.

**Mr. Callaghan:** We received that report after we introduced that programme. That programme was designed before we had the recommendations and we will modify as we go along.

**Mr. Lawlor:** Excellent.

**Mr. Callaghan:** I would like to indicate that the ministry did start that well ahead of the Law Reform Commission's recommendations. We are always willing to improve it but we think it is working reasonably well.

**Mr. Singer:** If you want to have a little more fun with that, could you tell me why you have got in the phrase, "while provincial prosecutors need not be qualified lawyers," and then you look up at the top and

see it's between \$11,500 and \$13,500? Aren't you really wasting the phrase that they need not be qualified lawyers?

**Mr. Callaghan:** We didn't expect to have any lawyers.

**Mr. Singer:** It's very unlikely in my opinion that you are going to get any qualified lawyers—

**Mrs. Campbell:** What does one mean by "a qualified lawyer"?

**Mr. Singer:** —applying in great numbers for that position with that salary range.

**Hon. Mr. Welch:** We will take a look at the wording.

**Mr. Lawlor:** They say they are going to modify it. I think we should be gracious enough to welcome little trickles of sand from the great hour-glass of this state, don't you think? It turns over in 12 hours.

I want to talk about mergers.

**Hon. Mr. Welch:** You have had the Friday morning trickle.

By the way, I think it would perhaps be relevant here to add—it may not even be necessary—but in order that the record would be correct, I know that we were a bit concerned in the ministry that some of the information given to Mr. Singer on Tuesday of this week with respect to the classification and salary range of provincial lay prosecutors didn't appear to be correct. When the answer was given on this question, we had indicated a certain range and classification, and we should have the record show what the correct rates be.

When Mr. Pukacz answered that lay prosecutors received remuneration within the classification of clerks 7 general and executive officer 1, the salary range for clerk 7 general is \$11,552 to \$13,497, and that for executive officer 1 it should read \$12,482 to \$14,624. There was some confusion with respect to those figures and we just wanted to clarify the record. Thank you, Mr. Chairman.

**Mr. Chairman:** Mr. Lawlor, would you like to continue?

**Mr. Lawlor:** Yes. I want to launch into the second pivotal point that I think is crucial to these estimates this year and try to wind up today if possible. It has to do with the merger aspect, as between the Supreme Court judges and the court itself and the county court judges and those courts.

I think the best way to start is by referring to the Law Reform Commission report, page 47:

Notwithstanding the fact that the county and district courts have remained separate and apart from the Supreme Court in the trial of both civil and criminal matters, there has been a gradual movement toward concurrency of jurisdiction, particularly in civil matters, to the point where the functional distinctions between the two courts are not always perceptible.

I won't launch into an elaboration of that statement as to the long history that is set out in the report of the flowing together of the two streams for almost a century now, where the civil jurisdiction has increased from decade to decade, and the criminal jurisdiction similarly, so that there are some rather inveigling statements on both sides of the fence as to the precise role that Supreme Court judges play in the criminal field at present.

On at least two occasions in the course of the report, one by Mr. Richard Bell and the other by the commission itself, it is indicated that the gentlemen's crimes—the ones with velvet gloves, the ones which have far less criminal element connected with them in the sense of violence or turpitude, are tried by the Supreme Court judges of the province. The really tough cases, the ones that I suppose are plenarily criminal, are tried by the tough-minded criminal bench in both of its branches by the county court judges. There isn't any truth to that in general sessions of the peace.

Of the very few crimes that are designated exclusively to the domain of the Supreme Court judges at present, possibly the most heinous, of course, is murder—and there the edge has been taken off. No longer under the legislation of the Parliament of Canada does that gravest of powers reside in the judge of sentencing to death. Oh, it's still there, but in such a truncated form that one of the great arguments for the Supreme Court judges has been removed by legislation under this particular head; for that reason, a resort to that type of argument has been rendered ineffectual too.

In summary, the civil jurisdiction of the High Court judge and the county court judge approaches concurrency in many areas except, for instance, in those cases involving more than \$7,500 where one or more of the parties may insist on a hearing before a High Court judge or in proceedings by way of *certiorari*, prohibition

or *mandamus* (now usually brought as an application for judicial review to the divisional court under the Judicial Review Procedure Act, 1971).

Again, because of the prerogative writs and what not, and we having set up in the past three years a new division of the High Court which precisely deals with this sort of thing, that again takes the edge off and in a sense erodes the jurisdiction of the High Court.

At least, it set up a separate and distinct branch for these particular proceedings. So that has happened on the civil side too.

My feeling, although the Law Reform Commission has ruled adversely to it, is that civil jurisdiction should be extended to at least \$10,000. The statistics presented to us indicate that the very great bulk of proceedings, whether they are 75 below it or above it, are taken into the county court; and if objection isn't taken by the defence at that time the matter proceeds in that particular court.

There was a noxious rule around for a long time that having got it into the county court, at the last moment objection could be taken, but that has been obviated by a change in the rules. Exception must be taken in advance of the action—and within certain time limits—in order to effect a removal of the case from the county to the Supreme Court of Ontario.

On the basis of straight objectivity, on an objective basis of weighing the two jurisdictions, the overlapping now is so preponderant and so weighty that on that basis alone—the basis of the actual constitution and operations of the court—very little can be said, I suggest, against merger.

What are we left with? We are left with subjectivities. We are left with prestige. We are left with people's personal sentiments. We are left with a feeling on both sides as to what their roles and designations are, and how they carry themselves in front of the public.

Most important of all, even for judges apparently, is one's own personal self-image. There seems to be some kind of Freudian thing operating here that if the Supreme Court judges were demoted, in effect—and it can be interpreted as a demotion when the other fellow happens to be promoted to the same level—in some way an inferiority complex could set in and a kind of debasement of the whole system would immediately become rampant.

The arguments used in this regard are multiple and fetching and terribly amusing

in some cases. I think of the argument from collegiality, the argument used by the majority here. I say, in a way, thank God for the Richard Bells of this world who have the forthrightness and courage to state their position, state it well and state it a little splenetically even. I find he finds he was rubbed and irritated the wrong way by his colleagues on this and so the collegiality of the Law Reform Commission was a little askew on that occasion.

Although I don't really know all that much about the chambers of the 37 judges of the Supreme Court of this province, I was struck by that all being located at Osgoode Hall and how they commute from one another's chambers in the highest sense of camaraderie; how they rub shoulders and shake hands in the banquet hall; how they have a symposium or a love feast every noon hour in order to trade notes and teach each other the law.

**Mr. Singer:** You are presuming they speak to each other, though.

**Mr. Lawlor:** I suspect it is a little like the collegiality of the school of philosophy at the University of Toronto which I know a great deal about. There they scarcely speak to one another. Either envy has eaten them up because some other fellow has just published a book—which is not usual among judges except on the trial of Christ—or some kind of deep-rooted animosity springs up from time to time. That argument, it seems to me, doesn't have all that much weight and Richard Bell again pokes a little fun at it, saying he doesn't think it has all that validity.

I am sure it is the case that perhaps two or three judges will be extremely friendly men with one another and will comport well with their associates from time to time. But because of the circuit system most of them are away a great deal of the time so that they are not, in a sense, available for this sport of camaraderie which is given such high points; and they have numerous other jobs. The long hours of court hearings etc. I would think, would eat up the bulk of their time.

There is a further objection that the peculiar penchant that judges of all ranks of court have for disobeying the law when it does not suit their particular convenience becomes fairly evident. I think that is a rather winning thing, personally; I guess that is because of my Irish background. The law is a bit of a bore and its coercive aspects are delimiting of the full development of the

human being because of its across-the-board pervasiveness.

So a judge goes and lives outside the territorial jurisdiction of the city of Toronto—the five-mile limit, I think it is, that's set up there—and still draws his stipend nevertheless. Nobody would dream of enforcing it. Either it's ridiculous or maybe they should give them an opportunity under the present housing conditions — which afflict judges, I suspect, as much as anybody else; they only being in the highest one-tenth of the salary echelons of the whole country, they still are afflicted by housing problems which much lesser mortals feel too, ever so much more **gravely according to the echelon in which you happen to fall.**

So they've moved outside the city—a number of them. In this regard that would be constrictive of the collegiality concept because when the 5 o'clock bell rings they go and punch the time clock to prove their virtue, and go off to King county in order to enjoy the crickets and the various amenities that are obtained there, so that their souls may receive solace and they may cogitate as to what particular iniquities they're going to inflict upon the human race the next day.

So these various aspects of the argument as set forth in the majority report of four members over against the fifth really are very — how shall I put it? — very strange forms of reasoning. On one side they say, at page 88, "Assessment and Recommendations" — they're going to sum up and assess and weigh: "Similarly, we concede that there are certain administrative benefits to the merger proposal. The calendaring conflicts between the High Court and the county courts would be eliminated—" You know, that's a very substantial benefit; those precise conflicts, "—and more flexibility might result in the scheduling of cases and the assignment of judges within a district."

Well, isn't that what's wrong? Isn't that the great fault? Isn't that the thing that Richard Bell, in his report, attaches himself to? Using the statistics contained elsewhere in the report he points out that over 14-month periods — well, to sum it up, he sums it up for us; he says:

A system under which, in over 17 counties in Ontario, the county judge spends no more than 2½ days per month in court, and even in the busiest counties only eight days per month, cannot continue to be tolerated merely because of its antiquity.

The appeal of the majority is an appeal to heredity, feudalism and antiquity. While

antiquity has a certain garnishment, a certain patina that glows in the dark — and one shouldn't be too lofty with respect to ancient things; they are precious — at the same time the system wasn't erected precisely as a highly priced antique—

**Mrs. Campbell:** Is it insured?

**Mr. Lawlor:** —and its ornamental structure is not conducive to the present administration of justice in this province, as has been so pointed out.

Let's say that's not the whole story. They spend really so very little time in court in many jurisdictions, but they spend a certain number of days in chambers. But Richard Bell does point out on top of that that the number of days in chambers are usually commensurate with the time spent in court.

I would think that outside Toronto that's not necessarily true. I think probably more time is spent in chambers than credit has been given for. But I don't know if you have those statistics or whether this is another one of those great unknown countries that the Attorney General's department visits from time to time as a complete stranger — with no hospitality, by the way, when they arrive in the strange land. Oh maybe a drink at the pub, but then go on up to your room and hide.

It goes further than that, as we well know. We do get complaints from time to time. Our fellow members of the House, particularly from outlying regions, indicate to us the Supreme Court judges taking criminal cases in the first instance they try the criminal first and then go on the civil. Arriving in a place they have a designated calendar of time, and if the criminal cases eat up all the time, then the civil cases lie over until the next circuit; another six months goes by. And, again, if the criminal cases have accumulated, then the civil cases that even then have been on the list go over again.

The whole scheduling, the whole calendaring procedure has gone completely kerflooey. This is simply a retention of ancient, far off things; and battles long ago, which seems to redolent the souls of the majority of the commissioners.

Let's give them certain credit. In later parts of the report they do give various manners and means whereby this situation can be rectified to some degree, or alleviated, but they don't want to go the whole hog and set up the merger thing where judges could always be available — and with a localized sitting county court judge recognized as a full-scale Supreme Court judge.

He presently is recognized as a what? As a demi, quasi, demiquiver type of Supreme Court judge in his patent from Ottawa. He is a local judge of the Supreme Court, too. But that doesn't give him jurisdiction or power to sit on the criminal cases, least of all the civil cases that are left over hanging on the list, except in some instances. And this may be done in some instance. But by and large no.

And secondly, very often the criminal case list is not exhaustive, and a judge is obliged at 2 o'clock on Friday afternoon to rise from the bench and say "Well, there are six more cases here. These fellows are sitting in jail at the present. I am terribly sorry, but there is no point starting this case as this will carry me over until next week. I think the best thing for me to do is to get on my white stallion and head for the next town."

And so the case hangs. And there is no one to pick up the cudgels; and no one to carry on as things stand. And everybody recognizes how regrettable that is.

I am sure the Supreme Court judges themselves know it—how can they help but be aware of this?—and the very great injustices inflicted upon human beings whom they are supposed to be serving in these various jurisdictions.

A summary of these recommendations are set forth on pages 88, 89, 90 and 91. You will notice that they completely depart—for they make the basic conceptions of which I spoke a moment ago, then they go off on arguments that are very strange indeed for highly judicial men trained in a highly rational process. They go off on nebulous questions of aesthetics, of some reinstituted kind of Aristotelian friendship.

Well, let's just see what they do say. This goes to the question of the quality of justice. They are not going to speak about the quantity of justice. That leaves room for a certain amount of dancing on the rooftops doesn't it? It says:

We consider it essential to the court system in Ontario that there be a relatively small, highly competent group of trial judges to administer uniform and high quality justice over the most important criminal and civil cases in the province.

The use of the word "uniform" in this particular regard has some merit. They return to that over the following pages and say:

Thus a more uniform jurisprudence is permitted to develop and the judges gain a great deal more experience than if they were located regionally. In addition it is

easier for these judges to remain detached from local conditions. The collegiality which develops at Osgoode Hall . . . [I won't read any more of that sentence] . . . then becomes a ruling factor.

I am going to break right at this point and answer the question that you wanted me to answer the other day as to what my position is ultimately going to be, because while I may make, as is my wont, disparaging remarks about them—I think, and this is highly tentative and I reserve the right to alter my opinion in the next little while after finding out more, nevertheless, at least as an interim measure again and in order to palliate and smooth over monumental changes which may cause great personal anxiety and disruption in the operation of justice in the courts, I am going to suggest we retain the Supreme Court judges, working in conjunction with the county court judges. I want one court with two tiers.

Curiously enough, this concept came out some months later, on the family law situation and the family law proposals. It sets up, as you know, an integrated family court structure but—and this is done by all members of the commission—it recommends a two-tier system because of the constitutional difficulties of the powers of section 96, with the judges on the one side and the difficulties of overcoming that, and because of these predilections and sense of hurt feelings which, as far as this generation is concerned, deeply exist. Let's face it; it's irrational but it's there.

Rationally we have to take account of irrationality in this life and make small concessions to it. I don't think that concession is too great.

While I'm thinking of it I would have one objection to the family court structure in this regard. It would seem to me very improper in terms of human temperament for a judgement of the lower tier provincial judge in the family court to be reviewed by his colleague sitting in the next office, the Supreme Court judge. If there is an appeal to go out from that court, it's to go out from both levels to some third body. I think it's invidious to suggest that within the same court structure one judge's decision may be sat upon by a judge sitting in the courtroom next door, hearing precisely the same kind of case by and large.

Mrs. Campbell: Probably hearing it at the same time.

Mr. Lawlor: That's an incredible suggestion.

**Mr. Singer:** Build a better partition.

**Mr. Lawlor:** But leaving that particular notion to effect a kind of merger aside for the nonce what you can do is turn to the several alternatives which are given here. The alternatives which are recommended are all contained on page 71 and are reviewed extensively by Richard Bell in his minority report.

The first alternative is that both levels of court have concurrent jurisdiction, both civilly and criminally; just lift the jurisdiction and retain both levels as well. That doesn't seem very satisfactory. It seems, perhaps, more satisfactory, if you are going to retain both levels, to arrogate to the Supreme Court judges, along the lines the Law Reform Commission suggests, more criminal jurisdiction in a fair range of matters to which criteria have been given in this report under about 10 or 11 heads. In other words, they do an insufficiency of criminal work at the present time; that work's effect and redounding on the community is, of course, of enormous import.

If they are to retain their status I would think they must be given a job commensurate with that status. I would think we might find that if what I am advocating here were brought into effect the Supreme Court judges may not be so anxious to maintain their little suzerainty and hegemony as it exists because of the impact of those cases and the difficulties which many of them entail, at least in terms of human attrition and in terms of their own nervous systems. If that's what they want, let them do the job commensurate with their desire, or what they say is their desire. A greater emphasis on and arrogation to the county court judges of present Supreme Court jurisdiction or operation should be made so that a balancing off process takes place, where you are enhancing the position and prestige of the county court judges and in no way really derogating from the self aplomb, if you will, of the Supreme Court.

I think in government you have to respect self images, collective self images. These myths are part of the community. They are not myths in the sense of being fictions, they are myths in the sense of being deeply ingrained, unconscious and irrational factors in the community which to some degree go to hold that community together, and you move in on that and you get phobias and various forms of neuroses. So take it easy on this particular head.

**Hon. Mr. Welch:** I wonder if the hon. member would help me? What would be the

end result if we followed the hon. member's suggestion? We would have one court but we would have two levels within that court, the Supreme Court? And how would you arrange that?

**Mr. Lawlor:** It's what you do in municipal government.

**Hon. Mr. Welch:** You mean some sort of a regional—

**Mr. Lawlor:** Yes, a regional concept. I am being a bit flippant, but it is somewhat the same. You could try it. That's what is certainly mentioned in the report and as a matter of fact it is embodied in the family court structure as they recommend it, and I don't think there is anything all that unpalatable about it.

At least I can see it working until you mollify, and accommodate and acclimatize to the changes. You can't take this type of change with people who are, by constitution legalistically independent; not just independent in their own right, most of them are that too, but they have the fortification of the law around them. If you are going to erode those walls and that fortress which has been created by British jurisprudence for 1,000 years, then you are going to have to take the bricks off more slowly and not dynamite the wall.

**Hon. Mr. Welch:** That sounds like the Conservative philosophy.

**Mr. Lawlor:** Just let me run over the other two, Mr. Minister. You can raise them both to concurrent jurisdiction; I say no. You can reorganize the jurisdiction and give more criminal to one and more civil to the other, that was the second one which I just ran over. You can merge but have two levels of judges, and that proposition is a third alternative, this is at 71; that the two levels of course should be merged as in the new Crown court in England, but that the two levels of judges should be preserved to comply with the distinction in section 96.

Then it goes on with citing cases with reference to the Adoption Act and others showing what the Supreme Court of Canada and the Privy Council have arrived at as to these various dispositions, as you know, just in a very short form. If you try to designate a particular judge to a particular task that is within federal jurisdiction, but you can shift responsibilities from one court to another, and it has been done many, many times and that is within provincial jurisdiction.

Just to come back for a moment on the other one, I admit that I have switched my argument to some degree. I am not conceding what is being said, I am simply in a pusillanimous way, I guess, bowing my head before what I consider reality. The majority say:

Most important, it is our view that it would dilute the quality of High Court. The federal executive appointed the judges referred to as judges of the county court to perform the varied local functions described above. It can be assumed they were thought to possess qualifications suitable for the county court, not the High Court.

What superciliousness, I say. My first reaction is always negative with respect to that kind of a statement. I agree with many members of the profession who would say that by and large the quality of county court judges is as high or higher than that of Supreme Court judges, and that up until the very recent past political considerations have played a dominant role in the appointing of both, and that the ones who acquired a greater aggrandizement and greater position in political and other life, and a greater rapport with the presiding political party, were the ones given the inside track.

That didn't necessarily detract from their personal abilities as judges once they were appointed; but the fact is that as between two men of equal ability, however high, the one who was allied to the political party got the benefice and the other one didn't. That's the way it has been, and that being the case, there is no great reason if we take the hard facts of political existence into account, why one would say that one level was higher than the other.

Other considerations went into it too. A man would accept the county court appointment because he could live in his county town or very close to his seat of sitting. And many men wouldn't take Supreme Court appointments—not many I don't think, but some—because they would be set off on circuit and that would be disruptive of their personal lives and their family lives. They found that was a very high price to pay, which they weren't prepared to pay and which they must be prepared to pay. Recommendations as they presently stand should continue in effect.

Over against that, in terms of the public weal, and that's my predominant consideration, I am afraid, human beings have to sacrifice their own personal lives to some extent if

the system is to work. We must be prepared to do that. The price you pay at the end of the day may be very high. Gandhi's son may come to curse Gandhi, which he did; but for the rest of the human race, we can only bless him because he was prepared to have his son curse him if that came to that, so that he could serve a cause and serve a particular thing. The same thing goes, with less intensity perhaps, in the realm of judges whose lives are, in my opinion, swaddled about with wrapping paper, and who live in eiderdown as compared to people who encroach upon the political.

This business of diluting the quality of justice seems to be not very strong, but again that's strong reason for bringing the two courts into one. The only reason I am making concessions on this particular regard is the weaknesses of human nature, not because of its strengths. It's regrettable that it should have to be so but I take it, as I see this world, that is the way it must be.

There are reforms, of course, which are not dependent on merging the two levels. Indeed they make recommendations concerning regional administrators and increased administrative powers for a senior judge in each county court circuit. It is their view that the quality of judicial standards is likely to remain higher on a small, closely disciplined bench of the size of the present high court than if it were extended as proposed. Again, this is a moot proposition, but one which the ongoing testing period may involve.

There is an argument which is used, too, for the retention of the present Supreme Court and the circuit motion. It's a very shrewd argument, and like most things you can find counter arguments. It's this, that county court judges, being great panjandruns in tiny frog puddles, do enjoy a prestige and an intimacy with their own areas which can be deleterious in terms of actual court hearings. They just know too much about the Smithers family up the street. The Smithers have been known as the "black" Smithers in the past. Here is Jonathan Smithers, the younger, 18 years of age, before the judge today.

**Mr. Singer:** The Donnelly family, wasn't it?

**Mr. Lawlor:** The Donnellys or the Smithers.

**Mr. Singer:** No present Donnellys included.

**Mr. Lawlor:** No, no present Donnellys. They wiped themselves out.

**Mr. Singer:** There is one behind you.

**Hon. Mr. Welch:** There is one here, if you look around.

**Mr. Lawlor:** Don't we have a folding mike?

**Mr. Singer:** No wonder the member for Scarborough Centre (Mr. Drea) wanted television in here.

**Mr. Lawlor:** I would put it on my tie and I would have a stipend.

**Mr. Chairman:** I hope you haven't lost your train of thought, Mr. Lawlor.

**Mr. Lawlor:** The local county court judge is perhaps too acquainted in many instances and predilected, even prejudiced, unknowing even to himself, with respect to cases, whereas the independent—the judge on circuit, the Supreme Court judge—has none of this background and none of this knowledge. I say the argument against this is that maybe he should have some. On the other hand, I think many accused persons and many people in civil trials would much prefer what they would consider is the *deus ex machina* of the judge dropping in from above by helicopter, knowing very little about their thing and not caring about that aspect, but judging the case on the merits precisely as the evidence discloses them to be.

If you rooted the Supreme Court judge in the jurisdiction, not only would the county court judge lose his afflatus but the Supreme Court judge would then be too tied and arrogated to a particular territory, and this very well might act as a dilution of the justice administered in that particular area.

They do talk about the "delicate question of judicial competence." Well, having said as much as they have about that, I don't think any further paragraphs were particularly necessary. That is not the problem. I don't think that there is any objective test of the quality of justice administered, but the test that has been suggested throughout the report is the number of appeals taken from both levels. When that emerges it appears that the county court judges are less appealed from than the Supreme Court judges, so that kind of falls by the wayside.

I feel that, by and large, some coalescence in the two courts should take place, largely for administrative purposes. I think it can save money, in other words. I don't think that the division, at the present time, is particularly beneficial one way or the other. They have, by and large, an ongoing relationship, overlapping, intertwining inter-

penetrating; they are more or less the same court. If, from personal predilections, the Supreme Court judges particularly wish to—I can see the county court judges wishing to emerge; that does enhance their status and they've got nothing to lose in a sense. Therefore, one can't dispose oneself overwhelmingly in that direction on that subjective emotional basis again.

On the other hand, if they've got something to gain and nothing to lose, the other fellow obviously has got something to lose and nothing to gain. And to try to tape them together by way of adhesive, to mould them into a single unity by way of fiat, simply won't work as things stand.

**Mr. Chairman and Mr. Attorney General:** I'm sure I don't have to spend a good deal of time here outlining the deficiencies of the present system. I've given you two or three highlights. It can be done statistically and at length. It is recognized by all concerned that the several forms of rectification proposed by the balance of the commission, apart from Mr. Richard Bell, are contained on pages 134 and 135 of this report.

I don't think it is necessary for me to elaborate on them. They deal with a great range of things—from having senior retired judges immediately available to move into an area where a sitting judge is obliged to move out; to reconstituting the list; rescheduling; to giving extended power to the county court judges to be designated to move into criminal trials that they weren't slated to handle.

A whole host of various things can be done in a somewhat desperate effort to keep the courts separate and distinct. I don't think the courts should be separate and distinct if these desperate measures are needed in order to effectuate the trial of cases in the province. Therefore, as a kind of halting minor measure, which I find personally unpalatable, I would retain the two levels.

I think that is all I want to say about this.

**Mr. Chairman:** Thank you, Mr. Lawlor. Mr. Singer?

**Mr. Singer:** Yes. I don't intend to speak at nearly the length that Mr. Lawlor did but I think it's important to recognize that today we are in the midst of a real drive for law reform. This has not always been the case. I suppose going back to the commencement of Arthur Wishart's tenure as Attorney General and moving forward from there really for the first time in several generations there have begun to be made important changes in our laws, in our system

of court administration, in our ideas of responsibilities and that sort of thing.

We're really only beginning to get at it. We have a spate of reports now and these reports in various aspects, have engendered a variety of debates including the one we're on right now, the question of merger. I'm going to suggest that I don't think you can deal with the question of merger in isolation. I don't think really we can say there should be one bench or two benches or one bench with two divisions until we've resolved some pretty basic things.

For instance, as you look at these statistics—and any lawyer or any judge knows this full well—a great deal of the time of the courts is taken up with trying automobile negligence actions. Are we going to move away from that? I think we should to some extent, perhaps not to the extent that the Law Reform Commission report on insurance indicates but certainly to some extent.

It's ludicrous, certainly, that out of one intersection accident five or six lawsuits can grow up in different courts to be tried at different times with six or eight different sets of lawyers trying painfully to reconstruct what happened in the fraction of a second at an intersection 2½ years ago. Somewhere along the line we've got to embark upon some real reform in that regard. If we do take a substantial amount of that kind of litigation out of our courts, we've got to consider how that is going to affect the number of judges needed, where we're going to use them and that sort of thing.

There is the question of divorce actions or certainly the uncontested divorce which again takes up a very great deal of the time of the courts, both Supreme and county now. One has to wonder at the usefulness of taking up judicial time on the simple uncontested divorce. I don't know if it is true—but it could well be true—that some of the judges have a race among themselves to see how many uncontested ones they can get through in a morning. I don't know what the record is—whether it's 20 seconds or 35 seconds—but some of them move through awfully quickly.

**Hon. Mr. Welch:** I'm sorry; I missed the point. Would you be making a point that that could be handled by an administrator or something?

**Mr. Singer:** I am saying that these things are so pro forma and our philosophy about them is pretty obvious. If a marriage has broken down and the couple has been separated for three years, the one who has been

deserted for three years can sue—or five years; it really doesn't matter. For the simple thing when they just want to get a piece of paper which says they're no longer married and there's no great argument about maintenance or custody or support, why do we need to take judicial time on that? Why do we need to crowd our court calendars? That's the sort of thing which has to be determined.

Another argument is on the use of juries. Mr. Wishart, for some considerable period of time, advocated doing away with civil juries. Are we going to or are we not going to? If we do, then again that is going to affect whatever kind of constitution the courts are going to have. As for the recommendations in relation to family law, are we going to merge into one group all of the functions that have to be dealt with in relation to families?

What really I am saying is that you just can't talk about merger in isolation. We've got to know within these various headings where we are going, how we are going to do it and what we are going to do about these things. Then, as a part of a whole, we can begin to talk.

I find many of the arguments put forward by the majority to be quite specious. I have listened to Otto Lang and I believe him, because I have watched his appointments reasonably closely. He says publicly that he feels it is his responsibility as the Minister of Justice for the Canadian government that when he comes to recommend a judicial appointee he is not concerned particularly to which bench he is going but with the person's ability, integrity, and that sort of thing. I believe that this is happening. I find the question of quality to be a specious argument.

There has also got to be availability of judges of some kind in local areas. The world of Ontario does not revolve always and only around Toronto; there have to be local judges available in local areas who can be found at unusual hours. One of the lawyers at the dinner last night was saying he wants to find his county court judge sometimes on a Saturday afternoon, and if he has gone back to wherever he came from and is not available, a serious hardship can ensue.

There is indeed a very different atmosphere. Not much of that kind of work, in my experience in any event, is done in Toronto over the weekend; it's done on the working days. But there is a different kind of atmosphere in the areas out of Toronto. There

should be an examination of where these sittings should be held—the county towns, the various places, for example, L'Orignal. Do we still have Supreme Court hearings in L'Orignal?

**Mr. Callaghan:** Yes.

**Mr. Singer:** Yes. These things made some great sense, I guess, in the day before the automobile, but do they make any sense any more?

I just don't think you can talk about merger in isolation. I think we have got all of these other problems to which we have to come forward with some kind of an answer. Then as a part perhaps there should be merger. There is the question of specialty courts. Our company law committee—Mr. Renwick is here now and Mr. Lawlor is on the committee as well—recommended a few years ago that we have company courts and that there be a bench, experienced and knowledgeable in the difficult and complicated matters involving corporations. The government has not seen fit as yet to accept that, but perhaps that kind of thinking is coming.

This is a day when more and more planning and zoning matters are argued about and when more and more matters concerning the administrative boards are being discussed. Perhaps there should be a branch of the court knowledgeable in municipal laws, zoning laws, official plans, and that sort of thing. Perhaps the day of specialty is very close to us. The point I am making is I don't think the question of merger can be decided in isolation. The arguments against the merger, as I have read many of them, I don't find really meaningful. I think we can think about a reconstitution. I fail to understand the validity of these distinctions in today's terms of reference.

I think that we have to begin to move to deciding some of these important problems that are now on the Attorney General's desk. Within that context, I would feel much more confident about saying, yes, there should be either specialty groups or senior and junior groups or appellate groups or that sort of thing. I don't think just to pass a statute tomorrow or do whatever we need to do to say there shall no longer be county or Supreme Court judges and we'll just have Ontario judges is going to solve a single thing. I think the discussion is worthwhile but my emphasis has to be that we have a dozen different serious problems in our whole system of justice and part of the end result is going to be the reconstitution of our present form.

This is 1974; I would suspect that by the turn of the century the court system as we know it today will have had to radically change. I'm not sure that any of us here today can conceive what it is going to look like in 25 years, but over a period of the next few years we are going to have to come to grips with all these problems that are there and readapt our courts so that they can deal with them in a way that is appropriate for the complicated community in which we live. I'm not going to be even as presumptuous as the member for Lakeshore and come down on either side of the argument at the moment.

**Mr. Lawlor:** That's not presumption, that is courage, my friend.

**Mr. Singer:** It's presumption, I suggest, because all of the facts are not with us and all of the decisions are not there and we don't really know in which direction we are moving, that is why I say it is presumptuous.

**Mr. J. A. Renwick (Riverdale):** Surely the Law Reform Commission has spent enough time on it that most of the considerations must be now known?

**Mr. Singer:** The member came in when I was sort of part-way through my remarks. The fact that the Law Reform Commission has spent a lot of time and written a lot of pages doesn't necessarily impress me as to the validity of its efforts. My strong point—and I'll close on this—is that the question of merger by itself is not an isolated question and it has to relate to reforms in these various fields that I have touched upon.

**Mr. Chairman:** Mrs. Campbell.

**Mrs. Campbell:** I too will be brief, but in looking at the question it seems to me that there are several things which perhaps haven't been touched upon. This goes to the administration of the courts as it exists today, and I am talking Supreme, county or whatever, as much as the judges themselves.

If I can give you an example, one of the most trying cases I ever had was a Supreme Court action that had been held in the north country. It was an action in which the statement of claim alleged a partnership, asked for an accounting and this kind of thing, which is not capable of a trite and easy judgement following. What happened here—and I am not going into all of the ramifications—was that the trial judge in the north gave judgement. His note simply said: "In accordance with the statement of claim,

the writ of summons and statement of claim filed and served."

Following that, there were two judgements actually taken out in somewhat similar terms, but both of them were simply judged within accordance with the writ of summons and statement of claim filed and served.

It was a female who owned the business, or thought she did, and the male who was claiming partnership. Under this judgement the woman, in fact, lost the business. The man moved in, took over the business, dissipated the assets, and, six years later, having tried to get lawyers and everybody else—all the lawyers said it couldn't happen, and she said, "Don't tell me it couldn't, it has."—finally she got to me as the last resort.

I went to the Supreme Court trying to find a way to get it back before the court. Of course what we had to do—we couldn't appeal—we had to move to set aside the written document so that we could go back to what the judge meant, at least we hope he meant, and that was that there would be an accounting and determination as to whether or not there was a partnership, and so on.

(Now, that kind of a judgement, that written document, could not take place in the city of Toronto, I am convinced of that, because they would not have approved it. So that when we are talking about mergers, when we are talking about uniformity of justice across this province, we have to look at this kind of thing, not in isolation from the way in which a judge functions. I am sure that that judge, in making that judgement in Toronto, relied heavily on the fact that the written document would be expressive of his judgement.

What I want to know is, what are you doing to try to make a uniform standard across this province of those who are charged with responsibility in the entering of this sort of judgement?

Insofar as the merger is concerned, I think there are some other things that haven't been dealt with. One of the things is the matter of trials *de novo*, which are in place really of an appeal from other courts. This, to me, is something which has to be looked at very seriously. Personally, I think it's a very poor type of procedure because normally the judge in the primary court has had greater opportunity to really look at the matter and probably more experience than the one in the higher court.

I have to say that in dealing with the question of mergers, there is a great deal to

be said for it as I see it. But the report which has come out on the family court, which is a completely two-tiered court, leaves me with a great deal of concern. Therefore, I don't feel at this point in time that I could take a definitive position on the merger or either a two-tiered system, or whatever we want to do with the Supreme Court and the county court. I must say that initially my reaction was that it was long overdue. I have to say this, but when I look at the ramifications of the system, then I want to know more about the situation from those actively engaged in it.

It isn't in the best interests of the judicial process, generally speaking, to have judges sort of denigrated. You know, any old person would do then, but here you have got the majesty—the full majesty of the law. However, on that I still will reserve my opinion at this point in time.

But what about the whole matter of administration? Perhaps the administration in the county court system being local may be more efficient than the Supreme Court system. I don't know that. I think that's something that you have to look at if you are looking at the whole picture of the court structure. We have to look at the question of juries, obviously, and this may have its effect on a merging of a system. It may not.

I must say that I am a little like my friends to the left over here. I must disagree with the critic for the Liberal Party on the matter of uncontested divorces where, in fact, there are children involved, because I think that these cases should not be going through the courts in such a speedy fashion when there is no one there to speak on behalf of a child.

I don't know, for instance, whether the official guardian is called in, or his staff is called in, when it's an uncontested divorce action—but if there are children, they have rights which should be protected, as I see it. I would think from the discussions I have had—and while I am not entirely clear—that probably the official guardian's staff is called in for discussions in the contested divorces where custody is an issue; but to have some kind of speedy administrative operation to determine this kind of action and in effect virtually accept the position that the child goes with the furniture or with whatever, is wrong.

I can't be stronger in my recommendation that we at least look at that before we start saying, "All right. These cases can just go merrily off to somebody else." If there are no

children, then of course my objection is quite different.

I think at this point that that would be all I would have to submit on this.

**Mr. Chairman:** Mr. Lawlor, did you have a comment before the minister responds?

**Mr. Lawlor:** Yes, on what my colleagues have said. To a degree in these estimates I excuse, the minister from having to commit himself on what I think the ministry has substantially committed itself. I think it was an act of courage to do so. At least it provoked the debate; it got the thing out into the open.

I think—I wish Mr. Singer was here—the ministry having had that fortitude, that we as members of the Opposition and as the critics of the Ministry of the Attorney General, have some kind of obligation on ourselves to give a fairly definitive indication of where we stand.

However we may swaddle it around, make reservations, be tentative or what not, which I have attempted to do on behalf of my party, I nevertheless think that a fairly clear initial position ought to be elaborated and set forth. That is what we are paid for, and that is why we are afforded this opportunity. We have the bloody reports in front of us, and we have had them long enough; now we must make up our minds.

I take no great umbrage with Mr. Singer's position, which is evasive, as I see it. It is a perfectly legitimate position for him to say that we can't determine the problem of merger until a whole host of secondary issues—maybe he sees them as primary issues—are decided upon, and that then the picture will become clearer.

I personally think he is wrong. While these diverse issues do stand as a bundle for determination, I think that whether you take divorce out of the Supreme Court and the county court and place it in a family court, or whether they retain some modes of jurisdiction in this particular regard at the option of the people engaged in the divorce proceeding, whether you take automobile negligence cases out of both levels of the superior courts or place them in one, or pretty well abnegate them altogether—my party doesn't intend to say that actions may not be taken to either the Supreme Court or the county court with respect to automobile negligence cases, that is perfectly possible. There may be added insurance over and above what is considered the critical minimum to forfend against disaster, economic and otherwise, by a lot of people in this community. Then that

area will be settled outside the courts. There is no question about that.

The number of cases that would get to the Supreme Court—why, the number of cases that gets there even now—would be very much cut back. I suppose not a percentage of a percentage would finally arrive at either one of these levels of courts from that time on.

I even think that the bar is bowing its head to the proposition and has come into accord and to a recognition of the contemporary exigencies in this particular regard and is prepared to go along with it as long as its members are not cut out entirely; in other words, as long as they can handle the big cases, as they would put it. Well, let them handle the big cases. If people want to settle within the dimensions of the law as laid out by out-of-court settlement, by no-fault insurance, then they need not go to court. If they want to take a risk and go into the courtroom, then they certainly should.

Suppose that is all settled; suppose that criminal jurisdiction is switched one way and civil jurisdiction the other—all the various matters that are discussed in these reports and by us in this committee—still the problem remains, doesn't it?

(The core problem is not obviated by settling secondary issues. In terms of administrative competence, streamlining, all the saving of costs and every other thing, in contemporary conditions and in sheer recognition of the diverse and co-ordinate roles played by these courts, ought not this to take place?)

Again, I am back to simply counselling, as best one may, the Attorney General that he take human nature into account and not the abstract notions which, however appealing abstract ideas may be, do very little to salve human wounds. To create them unnecessarily is a kind of derogation of your function as a governor, as one who is aware of human sentiments and who can make some provision for them in the course of passing legislation.

As far as Mrs. Campbell is concerned, as I understood her to speak, I would suggest to her that if you're going to get the full amplitude of services in the family court that is suggested by the committee, and if you're going to get the kind of integration that is necessary, the full powers that court absolutely needs, we must accede not, of course, in this instance to a merger but, I suspect, to the two-tier notion, at least for the nonce, whereby the federal government will appoint judges to that court under sec-

tion 96, analogous to but ranged more narrowly than the kind of appointments made for Supreme Court judges.

The province is jealous of its suzerainty, obviously, and it's quite irrational in this regard, too. Again, accepting that as a fact of life, it wants to appoint its provincial court judges and so we'll have to try to bring them together in some form of concordance, taking into account the real aggravations officially induced by our goofy constitution in this particular regard. It's lasted for a long time. Lawyers are people aligned to the system and not easily susceptible to change; therefore, all we can do is hope for half measures.

I said, Mr. Singer, while you were away, that I felt your position, while perfectly legitimate from one point of view, really skirted the central issues and didn't come to grips with the proposition that we as critics for the parties are under some sort of obligation to take a stand on. It may involve us in a little bit of hot water; well, so be it. The government has had the fortitude to do it and I think that you and I as critics of this ministry ought to do so too. It's all one large ball of wax but you're not going to solve them piecemeal. You're going to have to take it as a co-ordinated unit and the central issue, the primary issue—and you spoke of secondary ones—the primary issue is merger or no merger or what form of merger.

**Mr. Singer:** That's where you and I disagree.

**Mr. Chairman:** Mr. Minister—

**Mrs. Campbell:** Could I just add one thing since I've been addressed in this, Mr. Chairman? I would trust that Mr. Lawlor was not suggesting I wasn't aware of the constitutional problems?

**Mr. Lawlor:** I wouldn't dream of that.

**Mrs. Campbell:** I had hoped that in this area where people in the community are so seriously disadvantaged by the way in which this functions today — and perhaps it's too idealistic—there could be a coming together of the minds, provincially and federally, to ensure the establishment of a court which would have this broad area of jurisdiction rather than a two-tier system.

I'm not really clear that with a two-tier system you might not, indeed, embark upon a great deal of difficulty just in the method of initiating an action, for example. If we had in the one court the quasi-criminal type

of approach and, in the two-tier system, the other one would have purely civil matters, it strikes me as a terrible anomaly. It may be that all this could be overcome but this is the problem I face.

One other thing I didn't mention is, it seems to me that now we have the insurance report, at least we should be looking at the whole award formula which has grown up over the years toward cases. I would hope that the Attorney General at some time would be addressing himself to this, because it does work dreadful inequities in the community and I did mean to mention that this afternoon.

**Mr. Chairman:** Mr. Minister.

**Hon. Mr. Welch:** Mr. Chairman, it goes without saying that this discussion has been of great interest to me in view of the statement made by my predecessor in November, 1973, covering as it did a number of issues including this. Of course, I was interested, as I am sure my colleagues in the Legislature are interested, in the historic perspective of this whole matter. As for the very High Court which we are talking about today, some 100 years ago people wondered if we should be doing the merger then which resulted in the creation of the High Court which we are talking about today; whether that should, in fact, have happened. What I am saying is that it is something which has been with us as a jurisdiction over many years and it is one which obviously, as the hon. member for Downsview says, commands a great deal of attention.

I really don't want to restate all of the contents of my predecessor's statement, except to indicate that it recognizes in a very real and in a very practical way the various problems that have been expressed so well by the members of this committee. As I have already indicated, I am sure, during the course of this discussion, the judges of the county court have been in to see me recently re-emphasizing the position which they had submitted.

**Mr. Singer:** May I stop you at that point? I was asked several times last night if I had ever seen their brief, and I must.

**Hon. Mr. Welch:** You have not seen the brief?

**Mr. Singer:** No, I have not seen their brief. It has never been made available to me. I would be very interested to see their brief.

**Mr. Lawlor:** I thought you were not free to release that brief.

**Mr. Singer:** Many of the judges I spoke to were quite surprised—

**Hon. Mr. Welch:** That you have not seen the brief?

**Mr. Singer:**—that I have not seen the brief.

**Mr. Lawlor:** No, I haven't seen the brief either.

**Hon. Mr. Welch:** I am sorry. I have no objection to asking the officers of the county court judges association if they have any objections to their brief, which they submitted to me, being released to you. It would be a courtesy to ask them.

**Mr. Lawlor:** And the Supreme Court on any briefs that they sent in? We would like to see them.

**Hon. Mr. Welch:** I don't think we have any briefs from the Supreme Court.

**Mr. Singer:** This has been one of my running complaints. Mr. Lawlor and I go into this with both our hands tied behind our backs.

**Mr. Lawlor:** Blind.

**Mr. Singer:** Yes, or repeating little bits of gossip that we get in the odd corner.

**Hon. Mr. Welch:** I will try to clarify that. However, sufficient to say, that in the same spirit with which we discussed some other aspects of this whole question of reform and of possible change, I would want to take into account the comments which I have heard in the course of this discussion. It won't be the last discussion we have before we formalize our position, hopefully.

I think in fairness to what the hon. member for Downsview has said, until I am sure all the members of the committee have had the benefit of all the facts that I am getting as well, I am not in the position to acquiesce to some consensus with respect to this matter, keeping in mind the paramount issue which, I hope, is shared by all of us that it is the public interest we have to serve.

If we are agreed to start on that premise, then hopefully we can work some solution with that degree of compassion and understanding, which has been pleaded so well by the hon. member for Riverdale.

There is one specific matter which the hon. member for St. George mentioned that was

the type of follow-up that is going on insofar as procedures are concerned, if I recall the point. Mr. Callaghan may want to expand on that to some point, but I feel what we have been doing throughout the province is establishing a number of advisory committees to study various procedures and we might give you some of the benefit of the experience that might bespeak to the particular point which you raised.

**Mr. Callaghan:** We did a year ago establish a series of advisory committees from each court, made up of people who are experienced in those courts, court administrators and registrars. We started going over the forms and the procedures that are being followed in the courts and they vary across the province. There isn't a standard procedure or rule book.

We are embarking on a programme of trying to standardize the administrative procedures at that level—not involving the judicial procedures but the clerical type of procedure involved, standardizing the forms they are using in order to try to get at least a consistency in the actual mechanical paperwork that goes on in the court offices.

It is a very large job, because of the volume of offices we have across the province and the people involved. Old habits die hard. Many offices have operated in a particular way for many years, and the advisory groups that we have set up—

**Mrs. Campbell:** Almost as tough as judges.

**Mr. Callaghan:** That's right. And the advisory groups we have set up have been working to bring this type of record processing and form processing up to date and get some consistency in it. That was started about a year and a half ago, and the people doing it are people who are experienced and have worked in that area. But it is not an easy task.

**Mrs. Campbell:** Are you making progress?

**Mr. Callaghan:** Yes, I think we are.

**Mr. Chairman:** Any further comment?

**Mr. Lawlor:** Yes, just one on the money situation. The sum from the 1972-1973 actual, \$149,000, has jumped fivefold to \$758,000. That is a very great jump. Why?

**Mr. Callaghan:** The funds there, Mr. Lawlor, are allocated to get a regional trial project for regional administration initiated this year. There is some \$400,000-odd allotted to that to try to devise a regionalized form of administration. Regardless of who runs the

court, somebody has to start the thing somewhere, and so we are trying to get some form of project going that can be tried out. We hope in November to have it taking the first operative steps, and if it works then it will be a basis for application across the province in other areas.

**Mr. Lawlor:** Who are the chief motivators in that? Clarkson again?

**Mr. Callaghan:** No, this is being designed in the ministry by the people in the ministry themselves. The funds will be used to hire people into the ministry to try and develop this.

**Mr. Lawlor:** You are not using any outside resource people at all?

**Mr. Callaghan:** We will be using some resource people on various aspects of it. It will be cheaper to hire professionals to do certain things than to hire people full-time in the ministry. But we are, hopefully, bringing some people who have worked in the court system and in the particular region we select, into the ministry to work in there in devising a regionalized format for personnel and things of that sort. At the same time, we are trying to beef up the support staff that will work in that area. Our proposal is that we will take on a co-ordinator who will devise the means and methods we are going to use. We will need a couple of lawyers to do it.

These funds are allocated for that purpose. There will be some consultants used in various capacities, but the structure we are setting up is in the ministry. It will be adaptable to other agencies.

**Mr. Chairman:** Any further questions? Does item 1 carry? Carried.

**Mr. Singer:** Mr. Chairman—

**Mr. Chairman:** I may say that we have, as you can appreciate, entertained a great deal of latitude because some matters do overlap, but there may be some matters not covered in the general discussions. Would you carry on, Mr. Singer, with item 2?

**Mr. Singer:** Yes, if I may, and I am going to overlap perhaps into item 3 as well.

**Mr. Chairman:** All right, I think that might be sensible, rather than having a disjointed discussion.

**Mrs. Campbell:** It can overlap all over the place.

**Mr. Singer:** Perhaps we could do 2 and 3 together. The first point I want to talk about is the sad situation that exists insofar as court reporters are concerned.

Within a modern economy, our ability to cope with reports from the courts—which are necessary insofar as producing transcripts of discoveries, insofar as producing trial transcripts for appeals, and so on—is very, very bad. I know a lot of study has been done in regard to it. The taxing officer, in some of his unusually worded judgements, has sounded off from time to time about the costs of these transcripts. It seems a little puzzling to me that when you give a speedup order and pay double the amount you can get it quickly, but if you aren't prepared to give a speedup order and expend the extra money—your client can't afford to spend the extra money—it can be delayed for a lengthy period of time. I think it is time that we were able to produce—we've been able to produce it here with Hansard—we were able to produce some sort of system of making available reports quickly for all these court processes. I don't know how much longer it is going to be before we stop wallowing around in this problem. It's a problem of major proportions and it really hurts the process of administration of justice.

**Mr. Chairman:** Could we hear something on that, Mr. Minister?

**Hon. Mr. Welch:** I appreciate that particular point. I think we were anticipating this to some extent, too, weren't we, when we were talking about the use of mechanical means of recording and so on.

**Mr. Chairman:** Mr. Russell.

**Hon. Mr. Welch:** Would you like to speak to it, Mr. Russell?

**Mr. A. A. Russell** (Assistant Deputy Attorney General and Inspector of Legal Offices): I think your reference is to the five special examiner groups here in Toronto that were appointed formerly by the judges and now by the Attorney General, under the Judicature Act. We do recognize this problem. We haven't been able to overcome it. There's quite a lengthy chapter in volume three of the McRuer report as to what should be done. And we will examine it very carefully. I think the recommendation there is that consideration should be given to some extent to bring them in to the civil service full-time to overcome this financial problem.

**Mr. Singer:** Gordon Bettis is no longer the registrar of—

**Mr. Russell:** No, it is Harold Poultney.

**Mr. Singer:** He is retired. But I recall a casual conversation I had one day with Gordon Bettis, I suppose he would be available for consultative work. And he said to me, "If I was given the sole responsibility for cleaning up problems about court reports, I bet I could do it and I could do it quickly and efficiently."

And it was only a casual street corner conversation and this was one of the things we touched on. I got the impression from him that he felt that he was being a little too hemmed in by the judiciary and hemmed in by maybe even the Attorney General's office but at least—

**Mr. Callaghan:** I would point out that he is retained on the rules committee and he is retained on one of the advisory groups so he has lots of opportunity to tell us how he would clean the problem up if he has these ideas on how he'd clean it up.

**Mr. Singer:** Well, in the short conversation I had with him he wasn't able to lay it out, but certainly it's worth having a look at because he's a man with great experience and a man well known within the province who has given good service.

The second point I want to talk about concerns the interpreters. Again, there is reference in the reports to interpreters and certainly there are complaints when you want to find interpreters quickly—it's hard to do. The effectiveness of interpreters is difficult to ascertain on occasion; whether or not they fully interpret the question and the answer, or whether they become sort of semi-lawyers and decide what they think the witness should say. Often they get emotionally involved in the action, whether it's criminal or civil. And I have seen them being very, very sympathetic to one side or the other. As the interpretation goes backwards and forwards I somehow frequently have the feeling that they aren't really giving an interpretation of what is being said but are often giving an interpretation of what is going to look best for the side they might be favouring.

I think that in this multi-cultural society in which we live, particularly in Toronto, we have to concentrate on making available trained interpreters and having them available as civil servants and not sort of dashing around when suddenly you find there is a witness who has decided he can't understand English.

I've had that happen on occasion, when we've interviewed witnesses and carried on

quite a reasonable conversation in English and then you put them in the witness box and they suddenly can't understand English at all. But there is a very serious problem there.

**Hon. Mr. Welch:** Mr. Callaghan, could you comment on that for me, please?

**Mr. Callaghan:** Well I think the question of the interpreters seems to be one we have every year. A lot depends upon who the person is. Some interpreters are excellent.

**Mr. Singer:** Some are very good.

**Mr. Callaghan:** Others are—

**Mr. Singer:** Terrible.

**Mr. Callaghan:** Usually the poor ones are brought in by one of the parties and act on the consent of the parties, and it really never does work out. But I think by and large, certainly in the metropolitan areas, we run into this problem more often than we do in the rural areas. I don't know what the answer is. You can't keep interpreters available full-time in every language in every court.

**Mr. Chairman:** Have you finished, Mr. Singer?

**Mr. Singer:** No, I have another one here and this involves sheriffs, particularly sheriffs.

**Mr. Lawlor:** What do sheriffs come under?

**Mr. Callaghan:** I would like to correct the provincial prosecutor matter. They have checked out for me. Out of 20 provincial prosecutors there are 13 who were police officers.

**Mr. Singer:** Rather than 15?

**Mr. Callaghan:** Rather than 15. Seven were former police officers.

**Mr. Singer:** Sheriffs come under item 3, I am told.

**Mr. Lawlor:** Three? Okay.

**Mr. Singer:** I have here a copy of a letter written by Brock Grant, counsel in the ministry, to Mr. J. D. C. McBride, sheriff of the district of Muskoka, Court House, Bracebridge. The only way I can tell this story properly is to read the correspondence.

Dear Sheriff McBride:

Your letter of Sept. 19, 1973, to Mr. Russell, Assistant Deputy Attorney General and inspector of legal offices, respecting the problem of your office having provided the solicitor with a clear execution certificate

when there was an outstanding writ of execution on file with your office for the name being researched, has been referred to the writer for reply.

Mr. A. R. Black [and Mr. Black, I gather, is the solicitor] was given a clear execution certificate on June 15, 1971, by your office by mistake and now Mr. Black is looking to you for the payment of the outstanding writ of execution which seems quite logical to me.

Facts. On the 15th of June, 1971, Mr. Black searched executions against the names of certain individuals, including the name of the vendor, namely, Mr. Clive A. Lennox, in his capacity as solicitor for a purchaser of real property in the district of Muskoka.

Two. By mistake, your office provided Mr. Black with a clear execution certificate as of 4:30 o'clock p.m. on the 15th of June, 1971; when, in fact, your office had on file a writ of execution in the name of the vendor of the real property. The value of the writ of execution to date, including the accumulation of unpaid interest, is \$920.20.

Three. Mr. Black became aware of your office's mistake in August of 1973 when his client sold the real property.

[Now that's a very significant thing because Black, the lawyer, goes in, gets his certificate in 1971, closes the deal, his client doesn't deal with the property again until 1973 and for the first time, he becomes aware of the execution that exists.]

Black's client has suffered a loss of \$920.20, naturally, as a result of your office's error. Mr. Black notified you of the office's mistake by letter dated Sept. 18, 1973, indicating that in his opinion his client has an action against yourself as well as your office's insurer for damages as a result of the error and that the six-month limitation provision [and here's the rub] contained in section 11 of the Public Authorities Protection Act is no defence to an action brought by his client.

Mr. Black is of the opinion that "the existence of a lien against the lands purchased by my client [this is in quotes] on the reliance of the sheriff's certificate is a continuing damage as long as the lien exists," [I think Mr. Black's opinion has some substantial merit] and therefore the six-month limitation period has not yet begun to run.

Opinion: It is our opinion that under the circumstances you [that's the sheriff] are protected by the provisions of section 11 of the Public Authorities Protection Act from any legal action which might be brought against

you by Mr. Black's client, in that such an action must be commenced within six months of the occurrence of the mistake, namely June 15th, 1971.

Reasons: Section 11(1) of the Sheriffs Act confers a statutory obligation upon the sheriff to provide an execution certificate to anyone who asks for one and pays the requisite fee.

Section 11 of the Public Authorities Protection Act states that anyone wishing to bring an action against any person for negligence as a result of the person's execution of a statutory duty must commence proceedings within six months of the occurrence of the negligent act.

Although there is no direct authority on the point, in the form of decided cases, it is our opinion that section 11 of the Public Authorities Protection Act would apply to defaults in a sheriff's obligation to give a proper execution certificate under section 11(1) of the Sheriffs Act. Accordingly, Mr. Black's client would be statute-barred from commencing proceedings against yourself at this late date.

It is also our opinion that Mr. Black's client's cause of action occurred on June 15, 1971, when an error was made in searching executions and that the six-month limitation period began to run from that date. In order for Mr. Black's argument to succeed, it will be necessary for him to demonstrate to the court that there was a continuation of an act causing the damage, which is clearly not the case here. The time runs from the date of the act, neglect, default or default complained of. If Mr. Black is not prepared to accept our opinion, I would suggest you would refer him to the following leading cases which substantiate our opinion. [Up above, they say there is no direct case but now they quote five cases].

You might also advise Mr. Black that the sheriff's office no longer carries errors and omission insurance with a private carrier. Instead, sheriffs' offices are now self-insured and any damage claims are paid out of the consolidated revenue fund for the Province of Ontario. We trust our opinion will be satisfactory to you for your purpose.

Then a letter comes to a local member, my colleague Mr. Edighoffer, the member for Perth, from the County of Perth Law Association, with a copy sent to Mr. Black. That's dated March 27 of this year. It says:

You may recall my speaking to you at Walkerton a few weeks ago about an unusual and rather tragic situation that arose when the sheriff issued an incorrect certificate as

to execution through a solicitor. For your assistance I am enclosing herewith a copy of a letter written from the office of the senior Crown counsel of the Ministry of the Attorney General to the sheriff of the district of Muskoka dated Oct. 15, 1973.

The result of the anomaly in our law is that a person might lose his cause of action against the sheriff before that cause of action even arises and be left with no remedy whatever, in spite of doing everything he could possibly have done. I am confident, from my reading of the enclosed material, that Mr. Black could not have done anything else that would have changed the situation and that the only way in which his client would have been able to bring his action within the six-month limitation period prescribed by the Act would be had the client had the fortune to resell the property within six months of having acquired it.

At a meeting of the County of Perth Law Association held on March 25, 1974, I was directed by the association to acquaint you with the problem and to request that you press for an amendment to the Act which would provide proper protection to the person issued with a faulty share certificate.

There are two things. The amendment to the Act, I think, is pretty obvious. But I would think that where an official has made an error which has cost somebody \$920, that notwithstanding the technical legal arguments and notwithstanding the provisions of the Sheriffs Act and the Public Authorities Protection Act, there should be a reimbursement to the person who suffered through absolutely no fault of his own. There can be no argument about this because it isn't Mr. Black saying: "I did so and so," and somebody saying: "No, you didn't." Your office has investigated and bears out completely the facts and the facts are stated in the letter from senior counsel in your office.

I would urge upon you, Mr. Attorney General, that Mr. Black, or Mr. Black's client, be reimbursed with the sum of \$920.20. I'm surprised, really, that it didn't occur to somebody before this four-page letter was written to the sheriff. Surely the test has got to be where a public official is charged with a duty or responsibility—and there can be no doubt about the facts and people rely on that—not that somebody goes around looking for some technical provision in the statute. If you're going to litigate about this, obviously it's the gentleman who wrote the letter who is going to be in charge of the litigation, and he's going to enjoy thoroughly quoting these five cases and others. How long do you really

litigate about \$920? I think there's a clear responsibility. There's an error—and anyone can make an error. A serious error was made which cost an innocent person \$920 and I think that money should come back from the consolidated revenue fund to the person who was aggrieved.

**Mr. Chairman:** Could you respond to that, Mr. Minister?

**Hon. Mr. Welch:** Mr. Chairman, I would perhaps start by saying that I hope the hon. member wouldn't be too critical of a solicitor who has asked for a legal opinion. After all, having been asked for a legal opinion he has done that. He has shared the legal opinion. I think that man, the author of the letter, has been quite professional in doing so. What he may have preferred, with respect to the equity of the situation and the other points to which the hon. member makes reference, are not any less legitimate but, on the other hand, having been asked for an opinion, he gave one.

It would be my opinion, for what that's worth, that the solicitor has discharged his responsibilities in sharing his opinion of the law with the sheriff.

However, perhaps far more important than that, is the fact that we are applying to Management Board for compensation in this particular case and I will be bringing forward some legislation for an amendment to the statute to cover the situation.

**Mr. Singer:** Good.

**Mr. Chairman:** Thank you, Mr. Minister.

**Mr. Singer:** Fine. That's a complete answer. Just as a postscript, I don't criticize the lawyer who wrote the opinion. I criticize the judgement that indicated, when the facts were quite clear, that this kind of an opinion should be sought. If as you say you are now applying to Management Board, the merits of it are obvious to you as they are to me. Why, then, waste this gentleman's time?

I'm sure, looking at that opinion, he must have spent many hours of work on it. Once the facts had been determined, the issue was quite clear. This is what aggravates the public about lawyers. There's negligence and someone suffers; surely there should be a remedy. Of all people who might be in a position to deny the remedy, the Crown is the last person in the world to show it.

**Mr. Chairman:** Mr. Lawlor, did you have comments on those items too?

**Mr. Lawlor:** Yes, very brief. I will not elaborate on comments in the Supreme Court situation this year. There are 18 recommendations before us from the Law Reform Commission on pages 140 and 141 of the first volume and they speak for themselves, and we'll let that ride. I do want to say a word on the sheriff situation, and I may want to say something on small claims courts the next day, but not much.

**Mr. Chairman:** Then, Mr. Lawlor, you're dealing with item 3?

**Mr. Lawlor:** Yes.

**Mr. Chairman:** Then could we carry item 2?

Item 2 agreed to.

**Mr. Chairman:** We'll finish with your comments on item 3, if we may, Mr. Lawlor.

**Mr. Singer:** Are you going to be a while?

**Mr. Lawlor:** I'll be very short. I just want to raise a point in the county of York with respect to sheriff's office, which is your jurisdiction I take it. The business of executions and obtaining them, please look into it. I mean the sheriff's office, I believe, shuts down completely from 12:30 to 2 every day. You can't get an execution through, from the teletype operator. She leaves and the whole thing stops.

I understand it is not a question of catching up on the morning volume and clearing the decks for the afternoon; everybody over in the sheriff's office also gets up and goes out to lunch. It is a mess. It hangs up the legal profession in seeking executions—

**Mr. Singer:** I didn't know that. The whole registry office over there is a mess.

**Mr. Lawlor:** And the argument there is a little thing in front of the desk at the county registry office which says: "For the convenience of the profession we close up

the office from 12:30 to 2." I go around talking to the lawyers and say: "Do you find this particularly convenient?" and they say: "No." It is the most atrocious thing in the book.

We used to, if we were hung up at the teletype operator, walk over to the sheriff's office and stand there and submit the execution application, but in those hours there is no one there to receive you and so you are completely hung up. The answer is, the sheriff is trying to force the profession to do their execution searching some days before the day in question. Well all right, but you can't always do that, and when you do come, if you come at 12 noon, or even at 11 o'clock, you are just not going to pick up your execution certificate until three or four hours later. Now what do you think that does with respect to the internal workings of the profession?

**Hon. Mr. Welch:** I will look into that, Mr. Lawlor.

**Mr. Lawlor:** That's all I want to say on that.

**Mr. Chairman:** Item 3 carried?

**Mr. Lawlor:** No, I would like to speak on small claims courts, but not today.

**Mr. Chairman:** Do we carry item 3 then?

**Mr. Lawlor:** No.

**Mr. Chairman:** Not today? I am sorry, do you want to hold over item 3?

**Mr. Lawlor:** If you please. I am not going to waste a lot of time on it.

**Mr. Chairman:** All right. We will deal with small claims courts and provincial courts on Monday following the question period.

**Mr. Lawlor:** Thank you.

The committee adjourned at 1 o'clock, p.m.

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Friday, April 26, 1974









Ontario

Ontario. Legislative Assembly

# Legislature of Ontario Debates

## ESTIMATES, MINISTRY OF THE ATTORNEY GENERAL

Standing Administration of Justice

Committee

Chairman: Mr. J. A. Taylor

OFFICIAL REPORT — DAILY EDITION  
Fourth Session of the Twenty-Ninth Legislature

Monday, April 29, 1974

Speaker: Honourable Allan Edward Reuter

Clerk: Roderick Lewis, QC

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(Daily index of proceedings appears at back of this issue.)

# LEGISLATIVE ASSEMBLY OF ONTARIO

MONDAY, APRIL 29, 1974

The committee met at 3:10 p.m.

## ESTIMATES, MINISTRY OF THE ATTORNEY GENERAL (concluded)

On vote 1206:

**Mr. Chairman:** Last day we were attempting to finish item 3 of vote 1206. Mr. Lawlor, I believe, had a few further comments to make in regard to that item.

**Mr. P. D. Lawlor (Lakeshore):** My position at the moment, Mr. Chairman, as the critic for our party on the ministry this year, is that I have no intention of pressing in detail, although it would give a lift to my otherwise torpid heart to do so.

We have a plethora, mountains of information in front of us this year. We could spend hours going over recommendations one by one. The minister well knows what we could do.

I think the more sensible thing, since we have been on this for almost two weeks now, is simply to give a few highlights on the balance of this vote. There are several points that just might be made, not that they are the most important ones that could be made, that just pass through one's mind. And then, I think, we should let the matter go, placing it squarely on the plate of the minister involved here. He knows what must be done. He has got it all laid out for him. Then we will abide upon the legislation that comes through the House and direct our more detailed and splenetic remarks on those occasions to the minister as this thing develops, and there is area after area in which this can be done.

That being the case, as far as I am concerned, I will pretty well wind up what I have to say to this vote right now. There are just two things I want to mention about the county court set-up. One has to do with the delays that are presently being encountered in the county and district courts. They say at page 279 in part I:

No statistics accurately reflecting the extent of delay in the county and district

courts are at present available. Appendix II contains a number of tables depicting the current workload and disposition rate in these courts. These figures give some indication of the extent of delay. As of Sept. 30, 1972, 26.8 per cent of civil cases not yet reached had been on the trial list for more than six months. Some 63 per cent of summary conviction appeals had been on the list and not reached for more than six months.

And it goes on in that vein.

It is a pretty severe indictment of the present disposition rate and operations within the county court structure. It speaks for itself. I simply put it on the record, toss the football to the minister and ask him to run for the scrimmage line. If he goes over, so be it; if he doesn't, he will be losing points for his own team.

As far as the small claims courts are concerned, they have been with us a long time. We have raised our voices against the present dispensation for these small claims courts. The only thing that has happened for all our howling, weeping and gnashing of teeth and wringing of hands for six solid years now that I have seen is that the name has changed somewhere along the road from division court, so that it wouldn't conflict with divisional court, to small claims court.

As you know, in Quebec they have removed lawyers from that court. They think that they may be a clog in the equity, and some proposal has been made in that respect in this province, too, in order to expedite the system so that judges should be appointed particularly and especially for the small claims court by the ministry.

At page 354 of volume III, they say:

The time has come to restructure the small claims courts system so that the general principles of administration may be made consistent with those applicable to other court systems in the province. We make the following recommendations. . . .

And they go through a whole series of recommendations.

We think that more of these courts should be presided over by judges appointed by the province for that purpose.

There's the usual canard, which is not just a canard, that they are glorified collection agencies operating for the benefit of certain finance houses and collection agencies in the Province of Ontario. That gives very little elbow room to what we may call legitimate litigants before those courts. They remain the one structure in the whole administration of justice in private enterprise hands, so to speak, not governed in the strictest sense by the Attorney General's office. They are operated on the basis of salary and stipends both for the clerks of the courts and for their bailiffs on a very anachronistic basis indeed.

This is a bone that sticks in the craw of the Law Reform Commission. I agree with Mr. McRuer, in his report of many years ago now, and I think that it is high time you moved in on this particular area with some degree of alacrity.

I think your feeling is that as long as these courts remain outside, then they are self-paying and self-promoting. But you pay a high price in terms of the administration of justice by leaving them in this particular form. Particularly, as I say, because it then becomes within the motivational interest of the people who run them, in the best tradition of the free enterprise system, to maximize their profit. So what do you do?

If I were a clerk in one of those courts I would make overtures to—cuddle up to, take out to lunch—any number of the collection agencies' superintendents and their various minions in order to curry favour, so that they would launch the proceedings in my court and not the one around the corner—in the ninth division or first division, or some other. Having brought it into your court and collected the fees, then it is possible to—and you may be obliged to if the defendant lives in another jurisdiction—to switch the case over to that other jurisdiction.

That's invidious. It's beneath the dignity of the administration of justice to have the courts so loaded with this particular kind of thing, and with this underhand motivation, subsidized, in effect, by the Province of Ontario. I would look very much forward to your seizing that particular bull by the horns, which even Mr. Wishart didn't see fit to do.

There is a recommendation about the office of referee being established on a formal, firm, legislative basis. And there are 31 other recommendations with respect to the small claims

court, which you know as well as I, and which there is little point in flogging on this particular afternoon. So I desist.

I was interested in some figures, though, with respect to this particular item. My impression was that you had cut back somewhat on the extra-judicial services section with respect to moneys. I see that by the 1972-1973 figures, allowances to judges under the Extra-Judicial Services Act now amount to \$323,000. I can recognize some legitimacy in the surrogate court situation where they are particularly predelicted to provincial jurisdiction. Great sums of money come in through that court by way of fees in the probate administration of estates, which sum has gone from \$197,600 up to \$215,500. That's not a great jump. I'm not going to dwell upon it unduly, but the second one does bother me and I would like an explanation for that.

**Mr. Chairman:** Do you care to respond to that, Mr. Minister?

**Hon. R. Welch** (Provincial Secretary for Justice and Attorney General): Mr. Callaghan, would you assist us on that please?

**Mr. F. W. Callaghan** (Deputy Attorney General): The Extra-Judicial Services Act was amended last year to include the annual allowance paid to the judiciary county court judges. The effect of that amendment was to increase the extra-judicial allowance of the county court judge to \$3,000 from \$1,500, I believe.

**Mr. Lawlor:** That's right, is it? Doubled it?

**Mr. Callaghan:** It was doubled so that the same extra-judicial allowance of \$3,000 is paid to all federally-appointed judges under the Extra-Judicial Allowance Services Act.

In addition to that, of course, the county court judge of each county is a surrogate court judge and he gets an allowance of \$2,000 to act as surrogate court judge in the county. Thus, the increase shown in the estimates really just represents the additional \$1,500 to the members of the county court bench so that they now come under the same rule, insofar as extra-judicial allowances are concerned, pursuant to that statute. That amendment went through last year. I think it was last year.

**Mr. Lawlor:** How many county court judges in the province get this surrogate court judges' fee?

**Mr. Callaghan:** They all get it.

**Mr. Lawlor:** They all get it? Whether or not they ever see a single page of a probate?

**Mr. Callaghan:** They all serve their appointment when they are appointed as county court judge by the federal government. At the same time, there are concurrent patent codes from the provincial government appointing a surrogate court judge for the county. So they all, hopefully, do surrogate court work in their respective areas.

**Mr. Lawlor:** Well, in the county of York I believe there is a single judge who does the surrogate court work. Does he get an extra stipend over and above anything else for really doing that work?

**Mr. Callaghan:** No, he gets the same stipend as all the rest do.

**Mr. Lawlor:** I see. Well he is designated, as I understand it, to attend to that work, and becomes highly expert for this particular reason. But the other judges of the county court don't do very much with respect to this work. Am I correct? That is, in York.

**Mr. Callaghan:** The theory behind that is that the other judges pick up the normal judicial work that he would do, but which he can't do because he is doing surrogate court work. I think York is a peculiar situation in many, many ways. There is a call for a specialist in surrogate court work here. I think some of the others share the work with him. He can't do it all by himself. Quite a few of them do some of the passings of the costings that he cannot do fully.

**Mr. Lawlor:** Well, I can only speak for York, which I have good knowledge about, you know. Let's call it for what it is—a sinecure. It is costing the people of Ontario \$2,000 per judge, whether or not he knows the difference between a probate and administration. I felt that Lawrence might have had some courage in that particular case where he said, "Gentlemen, gentlemen, now we think you are being adequately paid through the federal treasury and a little cutback here and there wouldn't hurt." The cries were painful to hear, I know, even from a distance. I suppose that if you moved in on this area the anguish would be greater than you could bear. What is the use of saying any more? Do you want to say a word or two, Mr. Deans?

**Mr. Chairman:** Mr. Deans, you had a comment?

**Mr. I. Deans (Wentworth):** Mr. Chairman, I do have a comment, and I am not at all sure that this is the appropriate place. I want to ask the committee to allow me to raise it nevertheless. I think it should have probably

been raised under the Supreme Court section. Unfortunately, because of the way this place operates, I wasn't able to be here when that was up. I was in the building, I want to assure you.

I want to raise very briefly with the minister a particular case containing a principle that I would like to get some kind of response to. I will do it as quickly as I can so that I don't take up a lot of the committee's time.

The case was an original action before the Supreme Court of Ontario and the number was 472. It was a private action between two individuals over the sale and purchase of property. It went before the Supreme Court of Ontario and a judgement was rendered on behalf of one of the parties. Let me just read to you one portion of that judgement because it is important. This is the quotation from the Appeal Court referring to the statement of the Supreme Court.

**Mr. Chairman:** Mr. Deans, I don't want to interrupt you but I am trying to get at the point you are trying to make.

**Mr. Deans:** I can't make the point first because the point requires that the other matter be placed before you very quickly in order to make the point. I could say to you what I want to know is, will you do something about it? That is the point but without knowing what it is, that wouldn't make much sense. Do you understand?

**Mr. Chairman:** Well, I gather it has already gone to trial.

**Mr. Deans:** But there is more. That is the problem; there is more that flows from it. It went to trial and obviously what I am going to tell you is the result of the trial. I want to explain to you what has happened from the time of the trial—there is one point about the trial—what occurred afterward, what is now happening and then ask whether or not there is a point in there which might be considered by the Attorney General's department. You are either going to let me do it or you are not. I will abide by whatever ruling you make. You are either going to let me set it out or you are going to say I can't. If you say I can't that is your choice.

**Mr. Chairman:** Well, I—

**Mr. Lawlor:** On behalf of my colleague, I will cut back on my time, Mr. Chairman.

**Mr. Chairman:** That is almost bribery. That is the most forceful argument you have made during these estimates.

Interjection by an hon. member.

**Mr. Chairman:** Rather than debate it, we have a great deal of latitude here and we don't try to stifle the members. If you can be as succinct as possible it would be appreciated.

**Mr. Deans:** I assure you that it is not my intention to elaborate beyond that which is absolutely necessary. Let me then quote from the Appeal Court record:

The learned trial judge found that the defendants knowingly made a false representation as to the operating expenses with the intention that the plaintiffs should act upon such false representation. He further found that the plaintiffs did, in fact, act upon the false representation to their detriment.

That was basically the reason for the Supreme Court finding in their favour. At the Appeal Court he went on to say:

There is ample evidence to support such findings and the appeal, insofar as it affects them, must be dismissed.

This again indicated that the evidence before the Supreme Court which was again placed before the Appeal Court was substantially the same and that the false representation was the basis upon which the appeal was also dismissed.

The matter went to the Supreme Court of Canada and for reasons which are quite inexplicable by me, the Supreme Court of Canada, although it recognized that the false representation had been made, found against the defendants in this final instance and there is a reversal of the entire process. Although that false representation and that false evidence had been a major part, perhaps the major part, of the entire proceedings through the Supreme Court of Ontario and the Appeal Court, and although it was substantially the same evidence presented before the Supreme Court of Canada, the decision was reversed. We get to that point and now I want to talk to you for a moment.

First of all I don't understand how the Supreme Court of Canada could have done that but the defendants, nevertheless, decided they wanted to proceed because if there was, in fact, perjury or false evidence presented, obviously there should not have been a decision favourable to those who presented the false evidence. That would have been my own judgement on that; I am not a judge, thank God.

They brought the matter to the attention of the Attorney General on a number of occasions—the Attorney General's office; not necessarily the Attorney General. They brought it to his attention in April, 1971; in September, 1971, they received a reply that it was a matter which ought to be taken to the Law Society. On March 5, 1973, after a year of correspondence and two appointments, the Law Society replied that any damages for criminal acts, which it was suggesting were, in fact, the case, is a matter for the civil court, and any criminal matters such as obstructing justice and fabricating evidence, perjury, and fraudulent documents must be brought to the attention of the Crown attorney.

On Dec. 22, 1971, they reappealed to the Attorney General and five months later in May, 1972, Mr. Goldenberg in the Attorney General's office advised that they should contact the local Crown attorney regarding laying criminal charges and a statutory declaration and an additional charge of fraud. In March, 1972, they went to a solicitor in Toronto who advised them that since there were other solicitors involved it would be better not to proceed with the criminal charge, which is not unusual. Accordingly, he then moved an action for restitution for damages.

Now, I want to tell you I am not going to use the names of anyone, because I think it would be quite unfair, but I am going to go on from there.

On May 3, 1972, the action—it was No. 128972—was stopped by Mr. Justice Lief in the judge's chambers on the defendants' preliminary motion grounded on fictitious statements of fact and law. He said that matters had been adjudicated and disposed of in previous action. In May, 1972, the plaintiffs appealed this ruling. In October, 1972, an action, No. 47267, on the matter of fabricated evidence and documents, and further, the action No. 128972, procured the action to be stopped summarily in the judge's chambers.

The defendants at this point felt it necessary to bring these matters again to the attention of the local Crown attorney as advised by the Attorney General. The local Crown attorney refused an appointment, stating that all criminal matters must be filed with the police and investigated by the police.

On Oct. 4, 1972, they went to see a staff sergeant in the Hamilton police force, whose name I have, to whom they submitted the facts. He refused to receive any documented evidence for corroboration and he asked them

to return. The next day the staff sergeant phoned and said he didn't want to see them, and that on the local Crown attorney's advice he would not investigate the matter.

They prepared a statement of facts corroborating with documentary evidence, and submitted them to the police on Nov. 1, 1972, asking that the matter be investigated. On Nov. 22, 1972 they referred to the justice of the peace, who refused to take any information, to hear, read or receive the documented evidence that was offered as corroboration. He advised that he would not proceed with an action, on the advice of the local attorney, whatever that meant.

On March 28, 1973, at the Appeal Court hearing, they got an appeal hearing in the Court of Appeal of Ontario. The counsel for the couple—this is how it came to my attention, if I may say so—was harassed by the Appeal Court judge. He was not permitted to submit facts and he was not permitted to make reference to the law, as he saw it.

The Supreme Court judge, Mr. Justice Schroeder in this case, interrupted the attempts by both the counsel representing the parties and the parties themselves with remarks such as, for example: "I don't want to hear you, you are not a lawyer, you don't know the law, I am not going to listen to you."

This all happened on Nov. 22, 1972. The judge then accepted the defendants' false submissions—as had been submitted to the Supreme Court of Ontario in the first instance, to the Court of Appeal in the second instance, and to the Supreme Court of Canada in the third instance.

There is no question about the fraudulent nature of the documents, no question at all. There appears to be no question, and yet it was ruled out. The appeal to the Attorney General of Ontario and to the Solicitor General complaining about this matter was stopped in this way, without them having had an opportunity to provide the evidence they had to substantiate their claim.

Now they are asking, of course, that some rather strong action be taken. I am not in a position to know exactly what action should be taken, but, it seems to me, as I read through the documents—and I want to assure you, I have more documents on this case than any other single case that I have ever looked at. I never realized before that one could become as involved in a case as I have become in this one. I have read the Supreme Court of Ontario case throughout the entire proceedings. I have read the Appeal Court proceedings. I have read the Supreme Court

of Canada proceedings. And I am convinced that in every instance the evidence presented was substantially the same. I am convinced that the decision of the Supreme Court of Ontario justices, and of the Appeal Court justices, was based on evidence that was fraudulent and wrong. A correct decision was not, in fact, overruled by the Supreme Court of Canada, but, rather, simply ignored.

If a person is to be permitted in this country, or in this province, to win on the basis of fraudulent documentary evidence—I can understand the difference between evidence given orally which may well be in conflict with the truth, but if a person is to be permitted to win in a court on the basis of evidence which is substantially incorrect and attested to—and written—as it was in this case, then there's something drastically wrong with the system.

When a person gets away with that kind of thing, and when it's brought to the attention of the authorities, as it has been, that the decision is based on fraudulent evidence and nothing can be done about it, and when it gets to an Appeal Court, and the Appeal Court judge won't permit the admission of evidence by the solicitor representing his client, then there's something drastically wrong with that kind of a system.

There is a declaration by a person who was in attendance at the hearing before Mr. Justice Schroeder to the effect that he did not permit the solicitor to make his representation. The solicitor attended in my office in an extremely upset condition and I visited with him. He said he had never, in his history of practising law in Ontario, been subjected to the kind of embarrassment and criticism and the lack of opportunity to present the case on behalf of his client as he was subjected to during the hearing that I refer to.

I do care obviously for the people involved, but I'm not suggesting for a moment that the Appeal Court judge had an obligation to find anything—but he had an obligation to hear everything. I understand how busy they are. My colleague tells me all the time how busy they are. But, damn it, he had an obligation to give those people and their solicitors every opportunity to make their case and to ensure that that case was legitimately heard. If he ruled at the end that they were wrong, then so be it. That would be his judgement and he would have to live with it. But these people were defrauded. There doesn't seem to be any question that the evidence presented at every level was based on misrepresentation of fact. And when they attempted

to find a way to make that known to the authorities they were thwarted at every turn.

**Mr. Chairman:** I gather, Mr. Deans, you wish the Attorney General to comment on that?

**Mr. Deans:** I'm interested, I suppose, in knowing whether the Attorney General would take a look at it—not necessarily himself. He's probably had it brought to his attention before or his department certainly may have had. Would he take a look at the actions of Mr. Justice Schroeder in that instance, and determine whether or not that's an appropriate way to deal with the public on a matter of concern to them?

**Hon. Mr. Welch:** Perhaps, Mr. Chairman, it would be sufficient at this stage to indicate to the hon. member that the Attorney General would be prepared to take a look at the matter that he's made some reference to—rather the matters.

**Mr. Deans:** A number of matters.

**Hon. Mr. Welch:** I would think if the hon. member could privately share with the Attorney General information such as style of cause so that we could identify the action, I think it would provide us with an opportunity to explain certain procedures before different types of courts. The Appeal Court bases its consideration on the record, and it takes the evidence as already transcribed at the time of the trial. There have been some references in the statements of the hon. member with respect to dealings with Crown attorneys and justices of the peace and I would like to take a look at that. Perhaps it would be sufficient to ask, now that the hon. member has drawn it to my attention, for the additional information we would require to identify the matters. We will look at it.

**Mr. Deans:** I'll get a small truck and send it over.

**Hon. Mr. Welch:** Never mind the truck—just style of cause and so on. I'd be glad to get back to you.

**Mr. Chairman:** Would that be helpful to you, Mr. Deans?

**Mr. Deans:** It would be very helpful and I appreciate the committee allowing me to bring this to your attention.

**Hon. Mr. Welch:** This is a committee of equity, Mr. Deans.

**Mr. Deans:** Unlike what appears to have been the case in trial.

**Mr. Lawlor:** It would take his mandate in order to change that one, I'd suspect.

**Mr. Chairman:** Any further comments or questions on item 3?

**Mr. Ruston.**

**Mr. R. F. Ruston (Essex-Kent):** I was just going to ask about the small claims court, Mr. Chairman. I think I talked to someone in the last couple of weeks in my office about one that was closed up in our area; I think your people closed it up.

How many do you have now in Essex county and what towns are they located in? The one that I'm speaking of is in Belle River and I'm wondering what you intend to do now in these towns for—

**Hon. Mr. Welch:** Yes, we did close one there recently.

**Mr. Ruston:** —how close they should be together or how many people are using them. I'm just wondering what kind of service you have to render for these communities.

**Hon. Mr. Welch:** We now have five in Essex county, Mr. Ruston.

**Mr. Ruston:** Five.

**Hon. Mr. Welch:** Five small claims courts.

**Mr. Ruston:** Could you tell me the towns?

**Hon. Mr. Welch:** Amherstburg, Kingsville, Leamington, Belle River and Windsor.

**Mr. Ruston:** And Belle River is now—

**Mr. Chairman:** Closed.

**Hon. Mr. Welch:** Wait just a minute, Mr. Ruston, perhaps I have given you the wrong information. Mr. Russell, would you answer that?

**Mr. A. A. Russell (Assistant Deputy Attorney General and Inspector of Legal Offices):** I think Belle River is in the process of being closed now.

**Mr. Ruston:** We have those in Amherstburg, Kingsville and Leamington which would pretty well take care of the heavily populated areas on the south side of the county. Would there be one in Kent county in Tilbury? It doesn't matter whether or not it is in the county, I am just wondering about the closeness of it.

**Hon. Mr. Welch:** I have Chatham, Dresden, Blenheim, Wallaceburg and Bothwell. That's the provincial amalgamation there, that's how we started. Now we just have Chatham and Wallaceburg in Kent, I think.

**Mr. Ruston:** Do you have one in Blenheim?

**Hon. Mr. Welch:** I think Blenheim has been closed.

**Mr. Ruston:** I know there is a problem as to the cost of keeping them in operation. If I remember correctly, there was a round figure of the clerk's fees. He must keep open during regular court hours a full 52 weeks of the year, whatever the case may be. I don't know whether it's economic for anyone to operate them as a clerk.

As far as distance goes, if there is none in Tilbury, we have to go from Chatham to Windsor really on the north side. I suppose the county is only 20 or 25 miles across. I am just concerned that the population is increasing on the north side of the county, all the way from Windsor to Belle River and out in that area. I am a little reluctant to think that maybe we shouldn't still have one in that area and whether we could obtain someone to do it. Have you done anything about this?

**Hon. Mr. Welch:** Mr. Chairman, what I would be very pleased to do, if the hon. member would agree, perhaps is to sit down with the inspector of legal offices and take the territory to which he is making reference and just pinpoint where we are located now so that we have a proper idea. Public convenience of course has to be considered.

**Mr. Ruston:** Yes, public convenience has to be considered as well as the cost of keeping them in operation. But a small claims court is such that I think you have to keep it a little more public than a large court.

I think previously Mr. Lawlor was speaking about a recommendation that maybe lawyers should be out of them. You can keep them, but you don't necessarily have to have them where lawyers are concentrated because a lot of the dealings in there are done without lawyers. I know as I went into one that I can recall, though not for myself personally.

If you will look at that, there may be a possibility of retaining someone in that area who may take it over. I think we should consider it anyway.

**Mr. Chairman:** Is that satisfactory then, Mr. Ruston?

**Mr. Ruston:** Yes.

**Mr. Chairman:** Mr. Lawlor, you have a few further comments?

**Mr. Lawlor:** With your permission, Mr. Chairman, I will wind up whatever else I have to say about vote 1206 right through, including provincial courts. My first remarks have to do with the trial de novo procedure.

If nothing else is done in the immediate future while this House is sitting, perhaps something will be done about this as it has been before you long enough. The criticism and even cursing that arise over the existence of trial de novo, which downgrades the provincial court judges, have been long with us. You removed the sanction of having to pay a sum of money in order to take the trial from the provincial judge up to the county court judge. There you get a complete new trial ab initio so that lawyers come to regard the one downstairs, supposedly a trial, as a kind of preliminary inquiry where they will find out how strong the case for the Crown is, find out who their witnesses are, and then really get to work and prepare the cases in the court of the next level. It's really abuse.

There's a second thing. We all play games with it now by way of suspending while the appeal is on. The court, here at York at least and I suspect in other parts of the province, is so clogged with these retrials that it's a darned good way to keep your drivers licence for another eight or 10 months.

Anybody who gets convicted for a bad left-turn or anything like that, by all means appeal. You have nothing to lose but your fine. At the end of the day it's highly beneficial. There's no brake on it and the ministry is very much aware of it and it's an area in which something really should be done. That's as much as I want to say about it.

Now, you've been damned out of hand, and justifiably so, by your approach to and dealings with the justices of the peace in the province. If you remember McRuer, there were 10,999 justices of the peace and of the first 10,000 nobody knew who they were, whether they were dead or alive, under tombstones or blowing horns on top of hills, running cigar stores or the local bakery. They were part of the political dispensation from ages back when we used to be under the spoils system—we still are, but it's not as evident any more—

**Mrs. M. Campbell** (St. George): Not so sophisticated.

**Mr. Lawlor**: —that every local Tory had to be a justice of the peace in order to carry around his little black book.

**Mr. R. Haggerty** (Welland South): It hasn't changed has it?

**Mr. Lawlor**: Listen to this.

**Mr. Chairman**: If you take the time it can go on forever.

**Mr. Lawlor**: McRuer was just vehement about it back in 1968.

**Mr. Ruston**: The member for Lakeshore is dying down.

**Mr. Lawlor**: And if we read the report of 1973, this is what it says—I'm going to speak in a very little voice, you know; just purr at you.

It may be noted that since the McRuer commission report was published the number of justices of the peace on record rose to 957 in 1970 and to 1,003 in 1971.

And we can take it, a proportionate rise, if that's the word, into 1972 and 1973, and everything—

**Mr. Haggerty**: It's been upgraded.

**Mr. Lawlor**: He said that of the 10,999 who existed in his day, at least three-quarters of them should be cut out completely as they were performing no useful task.

They have not only not been able to shake the record clear but they've added to the affliction. In other words, if you had halitosis before, now you've got the bubonic plague. This is the case; this is quite a case of the government thumbing its nose at McRuer. I'm sure if I was in his position I'd take great umbrage. I might not even want to serve on his Law Reform Commission.

**Mr. Haggerty**: You mean it's easier to get a justice of the peace title than it is a QC?

**Mr. Lawlor**: Oh yes.

**Mr. Haggerty**: There is that difference then?

**Mr. Lawlor**: I think that's pretty well it, provided that you have the right affiliations. I don't think there's a New Democratic Party justice of the peace in the whole country, much less the province. There may be a few in British Columbia, now.

**Mrs. Campbell**: No Liberals either.

**Mr. Lawlor**: Now come on.

**Mr. Haggerty**: You mean they're playing the same game out there, eh?

**Mr. Lawlor**: You know about it. It's all there. I won't stand here flagellating a poor old dead racehorse. It served its time. It's out to pasture. It is getting bad oats, I'm told, because many rely upon their fees coming from police officers and laying of charges and they are not paid by the provincial government at all. And that particular piece of iniquity continues, too; but it's all there. I think it was necessary to speak to it for a few moments and then go on.

**Hon. Mr. Welch**: Mr. Chairman, just as a matter of interest, the new procedures being followed now with respect to the designation of the justices of the peace by the provincial judges in their respective areas certainly has, in fact, brought with it an upgrading with respect to their preparation and, indeed, on the assumption of their responsibilities. We could provide the committee with some information as to what's going on throughout the province.

I think there are four classifications now—four classes of justices of the peace. On the basis of the provincial judges' assessment of the various justices in their particular area, they are assigned their responsibility. That Act was amended, as you know, in the last session to enable us to do this.

I think your zeros are a bit out of place, though, with respect to the number of justices of the peace in the province. I think, instead of 10,000, we have 1,000.

**Mr. Lawlor**: Oh, I thought a little exaggeration might decide the point alone.

**Hon. Mr. Welch**: Yes, what's a zero here or there?

**Mr. Lawlor**: Just as well. How come they have been jumping in numbers?

**Hon. Mr. Welch**: The population has been going up and we found, I suppose, in the amendments too—Mr. Russell could explain this—that there were those who were just not able to meet some of the higher qualifications and others had to be appointed to look after it. Perhaps Mr. Russell could help us here.

**Mr. P. G. Givens** (York-Forest Hill): They couldn't read or write. All they could do was vote.

**Mr. Russell:** According to our records we have a total of 1,056 justices of the peace.

**Mr. Lawlor:** Oh, you've slowed down a bit.

**Mr. Russell:** Of those JPs, only the ones who receive directions from the provincial judges can act. If I might just give you those figures, Mr. Lawlor, 190 received direction (A) and 137 received direction (B); 116 direction (C) and 109 direction (D). So there are 552 active justices of the peace in the province. They've all received a course from Chief Judge Hayes, Pat LeSage, and so on. There are 504 with no direction, so they can't act.

**Mrs. Campbell:** How do you pick them?

**Mr. Russell:** They were selected under the Act by—

**Mr. Givens:** Don't know whether they are coming or going?

**Mr. Chairman:** Would you like Mr. Russell to complete his statement?

**Hon. Mr. Welch:** As far as being active is concerned, we have the number down. What is it?

**Mr. Russell:** Five hundred and fifty-two.

**Hon. Mr. Welch:** Five hundred and fifty-two that have some designation from a judge?

**Mr. Russell:** Five hundred and fifty-two have direction and some 504 have received no direction from the judges.

**Mr. Lawlor:** Is it possible to obtain the text of these directions?

**Mr. Russell:** Yes, I would say so.

**Mr. Lawlor:** I'd like to take a look at that.

**Mr. Russell:** As they improve in their ability and they take the course and they prove to the local judge that they are capable of moving up, they will move up. Direction A covers sitting justices of the peace and everything except federal statutes; they receive information, issue processes, issue search warrants, conduct bail hearings. Direction B is exactly the same as direction A, except they have no power to sit. Under direction C, they receive information, issue warrants, and issue search warrants, but conduct no bail hearings and no sittings. Under direction D, they do little else other than receive information; they can issue warrants, although not search warrants.

**Mr. Chairman:** Thank you, Mr. Russell. Any further comments Mr. Lawlor?

**Mr. Lawlor:** Yes, just one or two more things. On page 48 of your red book, I find an interesting situation in the county and district courts with the number of criminal trials that have been taken by those courts.

I am looking at the county court judges, criminal court, on page 47, and the cases added in York went from 388 in 1972 to 1,268 in 1973, and in "other," not quite as great a jump, but a considerable one. Then over to the general sessions of the peace. York cases jumped from 458 in 1972 to 1,371, and, again, not quite as much in the other jurisdictions.

This is a remarkable leap in caseload for those courts in the criminal area. Is there an explanation for all this?

**Hon. Mr. Welch:** I don't know, one can only speculate whether or not, other than the fact that the population generally has increased whether or not Legal Aid has in fact—

**Mr. Callaghan:** The changes in the code have had a terrific impact on the trial of issues in the provincial court. In 1972, I think the major changes were made in the code which permitted the county court judges to try everything short of murder and treason. They can try rape, manslaughter, and other major offences which, until that time, were the exclusive jurisdiction of the Supreme Court. If you couple that with the increase in narcotics prosecution in the metropolitan areas—in Toronto alone, the increase in cases of narcotics in the last year is 84 per cent—and when you couple that with the increase in jurisdiction of the Criminal Code given to the county court, I think that goes a long way to explain the great increase and volume of criminal business that they are now disposing of. Certainly the changes in the Criminal Code have given them a jurisdiction which is almost concurrent with that of the Supreme Court. And a great number of the cases which were the exclusive jurisdiction of that court are now tried. But I think in Metropolitan Toronto probably the biggest percentage increase comes from the increase in narcotics cases.

**Mr. Lawlor:** I see. Just one thing about that. We have never to my knowledge really sat down to discuss this—I think it would be a good idea in your secretariat role that we do have a bit of a talk about the LeDain commission report, and drug abuse. I know you haven't all that much power over the

situation; nevertheless, it's something that we should at least be aware of and to which we should address our attention in this province, particularly with this enormous drug addiction caseload coming before the courts of our province, and under the county court system.

At page 52 of your report, under provincial courts, I was just a little bemused by the very great increase in transportation and communication in both the criminal and family divisions. The actual was \$477,000 in 1972-1973, which has leaped to \$674,000, and looking down further, in the family division, from \$276,000 to \$329,000. What's happening in transportation and communication?

Hon. Mr. Welch: We'll see if we can get you that explanation, Mr. Lawlor.

Mr. Lawlor: While Mr. Russell is getting ready, I don't accept your bland increase in population as accounting for the number of cases or for the increase in the justices of the peace. Proportionately, I suspect there is a very great discrepancy, Mr. Minister, if you work it out mathematically.

Hon. Mr. Welch: I was just leaning very heavily on the very commonsense opinion of the member for St. George. I was thinking aloud about what she had said.

Mr. Lawlor: Oh.

Mrs. Campbell: No, I was just putting the words in his mouth.

Mr. Lawlor: Well, I certainly wouldn't dare fault that.

Hon. Mr. Welch: That's right. It shows you how much—

Mrs. Campbell: Every explanation we have had has been on that basis, so I gave him an opening.

Hon. Mr. Welch: —I rely on that particular source of information.

Mr. Lawlor: You have silenced me.

Mrs. Campbell: Yes, the population in St. George is increasing, unlike most ridings in downtown Toronto.

Hon. Mr. Welch: I am a constituent of yours during the week.

Mrs. Campbell: I know. I trust you will be in your own constituency in the next election.

Hon. Mr. Welch: Yes, that's my base.

Mr. Chairman: Are you ready with that answer, Mr. Russell?

Mr. Callaghan: Perhaps I could give you the explanation on three points. I don't have the actual breakdown on these points, but first off, in transportation and communication, we pay for the seminars which are now being run for the provincial court judges and the family court judges. The annual cost of those seminars runs close to \$150,000 to \$200,000, in that area.

Mr. Lawlor: And you didn't do that in 1972-1973?

Mr. Callaghan: No, we didn't, not to the extent we are doing it now. Secondly, we are now increasing our cost in transportation in northern Ontario by assuming the cost for a more—how do you say it?—available court service to the Indian reservations in the northern areas. That is very expensive, because not only do you have to take the judge in, you have to take the Crown attorney in, you have to take the defence counsel in and you have to take the duty counsel into these areas in northern Ontario for trials when they are held in those areas.

Mr. Lawlor: What is the cost of the second one about?

Mr. Callaghan: Pardon?

Mr. Lawlor: What would the cost factor be on that second one?

Mr. Callaghan: We are talking about a \$50,000 increase there.

Mr. Lawlor: Yes, okay. And third?

Mr. Callaghan: The third one is the increase in volume of case business in those courts, which necessitates greater moving around of the judges and a greater number of trials.

Mr. E. K. Pukacz (General Manager): And increased cost factors for gasoline and so on.

Mr. Callaghan: Oh, yes, they tell me they have built in the factor for the increased cost of gasoline, and things of that sort. As we all know, it's gone up 10 per cent or something.

Mr. Lawlor: I take it that you feel it costs less money to fly the judge and the legal personnel in than to fly the individuals involved out?

Mr. Callaghan: Well, it's more important to take the trial to the community than have

them brought out. There have been cases, especially in northwestern Ontario, where the people have been taken from the reserve or from the northern town down to Kenora on a couple of occasions, and it just hasn't been appropriate. We are trying to get the courts into those areas so that the people can see justice administered. Last year they held a trial in Attawapiskat and Winisk. They held them in a number of those northern communities which you hardly ever hear about but which do have criminal problems.

**Mr. Lawlor:** Okay.

**Mr. Callaghan:** Also, on many occasions in northern Ontario you have to take the witnesses with you. The police witnesses may be stationed elsewhere, or the defence may have witnesses they want brought in to give medical evidence and things of that sort. The actual cost of the administration of justice is increasing and it's increasing by virtue of the volume plus an attempt to take the system into areas it's never been before.

**Mr. Chairman:** Thank you, Mr. Callaghan. Anything else? Mr. Lawlor?

**Mr. Lawlor:** I just want to point out that in the provincial court situation there are 74 diverse and varied recommendations before us proceeding from the one source alone, namely the Law Reform Commission, of which I have touched on only two today. Again, I shall simply throw the sponge to you; if you float, so be it. If you sink under the burden that's your lookout. There are other people and other governments prepared to take over and effectively carry out these programmes if you don't see fit to do so in the next period of time.

**Hon. Mr. Welch:** Mr. Chairman, the minister has taken note of that. That provides a very high motivation.

**Mr. Lawlor:** The final thing I want to speak about, with your indulgence, Mr. Chairman, is the North York project.

**Mr. V. M. Singer (Downsview):** They've finished with me and it's your turn now.

**Mr. Lawlor:** Have you made your speech up there?

**Mr. Singer:** Yes. Mr. Renwick's just finishing.

**Mr. Lawlor:** I've been trying desperately to hold on so that you could say whatever you had to say.

**Mr. Singer:** Thank you. How far did you go?

**Mr. Chairman:** He is being facetious, Mr. Singer.

**Hon. Mr. Welch:** He's indicated that he wants to wind this vote up very quickly.

**Mr. Chairman:** I gather he's completing his remarks in connection with items 3 and 4—

**Hon. Mr. Welch:** Together, he's joined them together.

**Mr. Chairman:** —of vote 1206.

**Mr. Lawlor:** Vote 1206. I just wanted to mention the North York project. How is it going? Mr. Russell had a major role to play in it. Is there a report submitted and available to us as members of the opposition about the project itself? Would you make such a report available to us? It's an altogether commendable project. Is it your intention to enlarge upon it, not just in North York as you intend to do? As a matter of fact, you projected that in 1974 the Willowdale caseload looks like 90,000 for minor traffic offences alone and for parking offences between 40,000 and 50,000.

It is possible to go in on your own time, on a drop-in basis, if you want to put it that way, to plead guilty and pay your fine. That certainly must have a very beneficial effect on the time allocations with respect to the court in removing all this plethora of minor offences from the arena where they're all mixed in with far more serious matters and where they act as an obstruction upon the true work of a provincial court.

In short, how are you doing?

**Mr. Singer:** It hasn't started yet.

**Hon. Mr. Welch:** Mr. Chairman, we haven't started the tribunal yet. On the basis of the information I have, we're moving into the premises, I guess, in the next week or so. Summonses will be issued—

**Mr. Singer:** Where is it? What part of North York?

**Mr. Callaghan:** In the Willowdale area.

**Mr. Singer:** In the Willowdale area? On Yonge St.?

**Hon. Mr. Welch:** Don Mills.

**Mr. Callaghan:** At 1300 Don Mills Rd.

**Mr. Singer:** In Don Mills?

**Mr. Callaghan:** The location? The location will be 1300 Don Mills.

**Mr. Lawlor:** Yes, Don Mills Rd.

**Mr. Callaghan:** It'll be opened—

**Hon. Mr. Welch:** We expect the first cases to be heard on June 6.

**Mr. Callaghan:** The police are issuing the summonses.

**Mr. Chairman:** That question, Mr. Lawlor, may be premature.

**Mr. Lawlor:** Yes, somewhat in advance of the event. Yes, Mr. Chairman, I agree with that.

**Hon. Mr. Welch:** It's happening on my wife's birthday.

**Mr. Lawlor:** However we will watch it with great pertinacity. Thank you, Mr. Chairman, for your indulgence. It's very kind of you.

**Mr. Chairman:** Are there further speakers?

**Mr. Ruston:** I have one item to speak to, Mr. Chairman, very briefly.

**Mr. Chairman:** Yes, Mr. Ruston?

**Mr. Ruston:** I had a call from a resident of Metropolitan Toronto and actually it has to do, I suppose, with correctional services and our courts. I'll just bring it to your attention; it's very minor. It's the case of a solicitor who took his client from Don Jail and brought him to the court at Islington and Dundas, if that's correct, and arranged bail for him. But since they wouldn't release his belongings from the correctional centre, he had no money and no facilities to get back to the Don Jail so he had to have his solicitor take him back. The call came from the solicitor who didn't think that was quite right. I see Mr. Singer smiling; he's probably run across these things before.

It was just a little curious and I'm interested, since I did receive a call from this gentleman, if you have anything with regard to that. Do you know how that could come about or is it not—

**Hon. Mr. Welch:** I suppose the simplest way to answer it, Mr. Chairman, is that if the hon. member would let me have the details I'd be glad to get him a full explanation as to what happened.

**Mr. Ruston:** I don't know that it's necessary to go into details. I'm wondering if this

is a common thing. In other words, if you release someone from jail and they go out to arrange bail—I'm assuming that the gentleman who called me is an active solicitor in Metropolitan Toronto, and I assume that he has given me his—

**Hon. Mr. Welch:** Are you talking about someone who was actually in a correctional institution who was given a sort of leave of absence to go out from the institution?

**Mr. Ruston:** This is the information I got, and maybe I should have been a little more thorough in receiving this information. However, he told me that he was let go from the jail to appear in court and received his bail. When he received bail, of course, his money and belongings were back in the jail so they had to take him from the courthouse back to the jail to pick them up. But he had no money or belongings that they would release to him when they let him out of jail.

**Hon. Mr. Welch:** You have asked me the direct question: does that sound usual? It certainly doesn't sound usual. Perhaps if I could have the details, I would be glad to get an explanation.

**Mr. Ruston:** Okay, thank you.

**Mr. Chairman:** Thank you, Mr. Ruston. Mrs. Campbell, you have a question?

**Mrs. Campbell:** Yes, I have just a couple of remarks to make.

**Mr. Chairman:** Item 3?

**Mrs. Campbell:** One of the things I've mentioned before is trials de novo. I am in complete accord with what has been said by the member for Lakeshore. He referred to the criminal cases, but even more appropriately, I cannot understand when you have judges dealing with wardship cases, probably not every day but every week, why there should be a trial de novo in another court that is relatively inexperienced in the field. I don't understand that. I think it shouldn't continue.

On the matter of JPs, I certainly would like to know about these categories. I know of one JP, who was appointed in an area north of here, who came down to the court one day to get some instruction. But he was only appointed ab initio to the then county of York, I believe. He is not able to function across the province, as I think most or many of them are. He has had no other instruction, and I don't know how you tested his ability, because he hasn't had anything to do to be

tested. The person who has been there for years was a good Tory too, I'm sure, but he's been ill for some period of time.

**Mr. Ruston:** Are there any good Tories around?

**Mr. Chairman:** I would question the hon. member's choice of language.

**Mrs. Campbell:** In the eyes of those appointing them.

He has been unable to function, and the police have to go great distances to get somebody to handle their work. I don't understand it. I can't understand how, after one day of instruction and nothing else in between times, you've got this elaborate system of testing their ability.

I would think you had to have something more than that to decide whether they should be functional or not functional. In this case you are wasting an awful lot of time of an awful lot of people going great distances because of the fact that he can only function in this relatively limited area. I don't understand it.

**Hon. Mr. Welch:** When you say "limited area," are you talking about geography or jurisdiction?

**Mrs. Campbell:** Limited geographic area, and the fact is he has only had one day of instruction.

**Hon. Mr. Welch:** The smallest area of jurisdiction would be his county, I would think, wouldn't it, Mr. Russell?

**Mr. Russell:** Yes—

**Hon. Mr. Welch:** But there are those who are appointed for the county or there are many who are appointed on a province-wide jurisdiction, geographically.

**Mrs. Campbell:** That's right, but there is a matter of crossing a street, a stream or something and you are in another county—

**Hon. Mr. Welch:** I see, yes.

**Mrs. Campbell:** —and you have to travel 20 miles to get to the person—

**Hon. Mr. Welch:** I understand that.

**Mrs. Campbell:** —in the next county when you've got someone right there. I don't understand it, but I am interested in how you assess the ability of people with one day's instruction and nothing more. I would like to have that elaborated upon because

I think it sounds better on paper than it functions in fact.

**Hon. Mr. Welch:** Mr. Russell can perhaps go through the routine once again? Of course, as you realize, prior to the introduction of our amendment and this procedure to which Mr. Russell has made reference, no one was appointed a justice of the peace unless it had been approved by the county court judge. The applicant would go to the county court judge in order to complete whatever he had to have completed.

Under the amendments to which we have made reference, we have this system now where the provincial judge, under the direction of the chief judge of the provincial court (criminal division), has developed the course and has these four special classifications. Having said that in a general way, perhaps Mr. Russell could address himself to the particulars.

**Mrs. Campbell:** Perhaps he could go through and tell me how the system works practically—not on paper. I would be delighted.

**Mr. Chairman:** Mr. Russell, would you comment on that?

**Mr. Russell:** I would be glad to. Under the amendment to the Justice of the Peace Act, the chief judge in either branch could issue a direction to the justices of the peace throughout the province. Chief Judge Hayes and Chief Judge Andrews drew up these four directives. They fully realized that in the various areas, except their own where they were acquainted with the JPs, they would not know the ability of many of the JPs, say in Cochrane and Thunder Bay and so on, so they delegated that authority to the local judge. The local judge, frankly, had been dealing with his JPs for five, 10, 15 years more or less, so that he was aware of their capabilities. On the basis of that, he issued a directive A, B, C or D. He already had certain JPs who were sitting. Some he was probably not too satisfied with, and all they did was take information and so on.

In addition to that, in the past year they have held courses for justices of the peace. Judge Hayes working with Pat LeSage and different people in our department—two other judges and two Crown attorneys. They produced this audio visual course and they went around the province. They sat in roughly—I am guessing just a bit, but I think 15 or 20 different areas.

That was only the start; it is going to be continuous. The JPs will continue to be

brought in and their ability will increase and improve. One holding a D directive might well move up to an A or B. That is the basis on which they have done it.

This is all new in Canada. There was nothing before until this was brought in.

**Mrs. Campbell:** For instance, then, if the judge is sitting in Newmarket he knows the capabilities of someone newly appointed or appointed—

**Mr. Russell:** That is because he—

**Mrs. Campbell:** —within the last two years, we will say, when he hasn't functioned?

**Mr. Russell:** Well, if he has not functioned and he has not been active I feel quite confident that he would not have been issued a direction by the judge.

**Mr. Chairman:** What you are saying then—

**Mrs. Campbell:** All I can say is that in this case it seems to me—I am speaking about a case in Pefferlaw—I don't understand why, when you have two JPs there but one has been ill for some period of time; the other one was appointed—to the best of my knowledge he came down here to take the one-day course. He never had anything further he could do because although people came to him—the police came to him—they came for matters which were beyond his jurisdiction. So it does seem very strange to me—

**Mr. Russell:** I am sorry, you are talking now about appointments. Many appointments—

**Mrs. Campbell:** I am talking about what happens when they are appointed and how they get to fit into your system.

**Hon. Mr. Welch:** I wonder, Mr. Chairman, if it would satisfy the hon. member if we could have the particulars of that particular JP and—

**Mrs. Campbell:** I have already given particulars, I think, to your predecessor (Mr. Bales) and I'll be glad to repeat them, but it would be nice to get an answer.

**Hon. Mr. Welch:** I assure you that if I could be brought up to date on that matter, I'll follow up.

**Mrs. Campbell:** I think that in this case the answer of your predecessor was that it would have to go through the chief judge—

**Hon. Mr. Welch:** Well, I'll be glad to do it.

**Mrs. Campbell:** —and not the local judge, so I don't know the—

**Mr. Russell:** The chief judge controls the appointments in the judicial district of York. Outside the judicial district of York he designated that authority to the local judge.

**Mrs. Campbell:** Perhaps they didn't catch up with it in this ministry. When was it done?

**Mr. Russell:** It was done prior to Jan. 1. All these directives were issued prior to Jan. 1.

**Mr. Chairman:** I gather the minister is going to look into this particular one himself—

**Hon. Mr. Welch:** If the hon. member will let me have the details.

**Mrs. Campbell:** I will do it again.

**Mr. Chairman:** —and we'll get back to the hon. member for St. George.

Further comments or questions on items 3 or 4?

**Mrs. Campbell:** Yes. We have discussed the matter of having the committee look at the reports. I take it that there will be some further discussion on the matter of the proposals for the family court. Will there be, prior to that, or as a concomitant thereto, some discussion with the federal government on the matter of family law and the possibility of getting some consensus, rather than through what seems to me to be an awkward type of arrangement? I recognize the difficulties in the constitution, but I would like to see somebody reporting back on what the federal position is—

**Hon. Mr. Welch:** That makes sense to me.

**Mrs. Campbell:** —so we can start from some place. If we get back to this committee and we are still dealing with the report with no input from the federal people, I don't think I could come to any conclusion. I might be faced with adopting something as the best I can get, but not the best ideally.

**Hon. Mr. Welch:** Yes, we should find some way to bring together these reports.

**Mrs. Campbell:** Thank you. That's all I have to say.

**Mr. Chairman:** Shall item 3 carry?

Carried.

Shall item 4 carry?

Carried.

This completes vote 1206.

**Mrs. Campbell:** Oh, there is one question I have. Can I just raise it and leave it with you?

**Mr. Chairman:** Yes.

**Mrs. Campbell:** Is there going to be a clarification of the jurisdictions when a woman who has had an order from a family court seeks redress in the small claims court? I think, unless that was clarified, it is still a matter of some question as to when she loses her right to come back to the family court if she seeks her redress someplace else. I wonder if I could get an answer, but I won't delay it.

**Mr. Chairman:** Fine, thank you, Mrs. Campbell.

Vote 1207, item 1, assessment review court.

On vote 1207:

**Mr. Haggerty:** Yes. I would like to raise a question of the assessment review court.

**Mr. Chairman:** Mr. Haggerty.

**Mr. Haggerty:** This concerns the report of the select committee on the Ontario Municipal Board, 1972. How many of those recommendations have been followed through since that report came into the Legislature?

**Hon. Mr. Welch:** Are we talking about the Municipal Board or the assessment review court?

**Mr. Haggerty:** The assessment review court. This deals with assessment appeals.

**Hon. Mr. Welch:** I am sorry, I was trying to understand you. You are talking about the select committee on the Ontario Municipal Board?

**Mr. Haggerty:** The report of the select committee on the Ontario Municipal Board.

**Mr. Chairman:** Is that in connection with appeals to the Ontario Municipal Board?

**Mr. Haggerty:** I just want to know about how many of the recommendations that were suggested, were brought into effect concerning the assessment review court. Is it still being handled by the county courts?

**Mr. Chairman:** Are you speaking in terms of recommendations from that select committee?

**Mr. Haggerty:** Right.

**Mr. Chairman:** Affecting the assessment review court?

**Mr. Haggerty:** That's right.

**Mr. Chairman:** Could you single out the recommendation?

**Hon. Mr. Welch:** I think what the hon. member is making reference to is the report of the select committee on the Ontario Municipal Board, particularly on page 33 which deals with the Assessment Act.

To answer the question directly, assessment appeals are still going directly to the county courts so that this recommendation has not been acted on. Indeed, if I might comment on the report generally, this report is presently under study within the ministry with respect to the implications of all of these recommendations of which this is a part.

**Mr. Haggerty:** This is what I understand from the chairman of the Ontario Municipal Board. He was hoping that some place along the line you would be moving in some direction to speed this along.

**Hon. Mr. Welch:** I can assure you that this minister is very much into this report right now. As to what the follow-up will be I will have to discuss this with my colleagues.

**Mr. Singer:** Are you up to page 2?

**Hon. Mr. Welch:** Oh, at the moment I am at page 33.

**Mr. Chairman:** Mr. Haggerty, in effect you are dealing with appeals from the assessment review court?

**Mr. Haggerty:** I wanted to know if you had accepted any of the recommendations.

**Mr. Chairman:** That these should be direct appeals to the Municipal Board?

**Mr. Haggerty:** To quote: "The assessment appeals should be made directly from assessment review court to the—"

**Mr. Chairman:** To the Ontario Municipal Board.

**Mr. Haggerty:** "—Ontario Municipal Board and can no longer be heard by the county or district judges. Consideration should be given to informing the separate division of the Ontario Municipal Board for hearing assessment appeals."

**Hon. Mr. Welch:** There is an alternative to this. As you know, what you've just read is the recommendation and, of course, at the moment, it hasn't been acted on. Some consideration is also being given, too, as far as the assessment review court itself goes, to having an appeal division of some kind.

**Mr. Haggerty:** How many appeals did you have last year, by the way?

**Hon. Mr. Welch:** Mr. Pukacz, can you help me there?

**Mr. Pukacz:** The number of appeals was 76,875.

**Mr. Singer:** The number is 76,875?

**Hon. Mr. Welch:** Yes, active, which were the result of 1,284 sittings.

**Mr. Haggerty:** How many went to the district judges? Or would that be the total?

**Hon. Mr. Welch:** No. I assume what you're asking is what percentage of those that I just made reference to went on further?

**Mr. Haggerty:** And then how many went back to the Ontario Municipal Board?

**Hon. Mr. Welch:** And then what's your supplementary question? We'll find that information for you, Mr. Haggerty. Would you like to ask anything else in the meantime?

**Mr. Lawlor:** While you are doing that that schedule from which you just read, it came at page 64 of the red book, does indicate—

**Hon. Mr. Welch:** Excuse me just a minute. Our records show 100 assessment appeals heard by the Ontario Municipal Board, but we'll have to find the number that went to county court for you. More than 3,000 I'm advised.

**Mr. Haggerty:** More than 3,000.

**Mrs. Campbell:** While you're looking at it, could you give us a breakdown as to how many were sent forward by the assessment commissioners against those that were appealed by the citizens?

**Hon. Mr. Welch:** I'm sure this is something we can get for you—perhaps not today, but if you leave your question on record we'll get you that information and drop you a note.

**Mr. Chairman:** I'm sorry, Mr. Lawlor, you were—

**Mr. Lawlor:** Yes, this is kind of interesting. In 1970 there were 176,000 appeals; in 1971, 168,000; and now there are only 76,000. What is the explanation for this drop?

**Mr. Pukacz:** There are two reasons for this. First of all, putting the municipalities on new assessment provisions has slowed them down. This is one of the reasons. Another reason is that the last assessment with regard to existing assessment of property was issued in 1971. Immediately after this there was a high percentage of appeals. Since 1971 notices of assessment have been issued only when there were changes in the existing property, but no new assessments were made.

New assessments will be issued this year on existing properties. Also, the municipalities will be brought under a new assessment basis. In 1974, the following areas are declared to come under it: part of the district of Algoma, which will account for about five to six per cent of the appeals; the regional municipality of Muskoka, which will create quite a large number of appeals—about 12 per cent are expected to come from this area; Grey county, except for Owen Sound, which is expected to account for six to eight per cent of the appeals; and the town of Wasaga Beach and part of Parry Sound known as West Parry Sound Board of Education. The assessment review can expect that with these changes, and after the Ministry of Revenue sends out regular notices of assessment, that its work will double again this year.

**Mr. Singer:** The point made by my colleague, Mr. Haggerty, I think deserves pursuing. I could never understand why we evolved the unique system of allowing an appeal from an administrative board to a county court judge and then going over the head of the county court judge to another administrative board. And those figures bear it out. It just makes no sense. Because if you are going to get 3,000 appeals to a county court judge you're certainly taking up an awful lot of court time.

If there should be any judicial presence in this process it should be at the end and not in the middle. It puts my back up, that an administrative board should sit in appeal on a judge and I don't think it should last any longer. And following from that, as I think Mr. Haggerty established, the additional burden that you put on the county courts is just completely unreasonable.

Whatever you are going to do, whether you are going to get another appeal tribunal

or put the court on the top end, it should be done quickly. Because I think the present system just doesn't make any sense.

**Mrs. Campbell:** I wonder if I could have a word on this situation?

**Mr. Chairman:** Mrs. Campbell.

**Mrs. Campbell:** I have asked the Minister of Revenue (Mr. Meen) about a problem which arises in the case of condominiums. Last year there was an appeal on a condominium in my riding and that particular appeal to the review court was sustained. However, of course, there were a number of people who could not join in that appeal at that time because they hadn't taken any title. There was no subsequent assessment notice to them as to when they take their appeal. The commissioner of assessment launched an appeal last June which hasn't been heard yet.

I wonder if, where there is real hardship, there isn't some way of speeding up the process? Because you have the anomaly now of those who were successful and haven't now been ruled unsuccessful getting their taxes based on the old assessment and getting a rebate because of their success in appeal. And their next door neighbour is getting assessed at the old rate without any rebate.

I understand there is a case in the courts—and I don't know where it stands—I am told by the Minister of Revenue he acknowledges this to be a troublesome area, but if it is a troublesome area why in the world does it take so long to get some kind of justice?

**Hon. Mr. Welch:** I'd be very glad to look into that. It may be, and I say may be because I really don't know that this is a satisfactory answer, that it has something to do with the timing of the closing of the assessment rolls and as to when they can hear appeals and all that sort of thing. But if there is a way—

**Mr. Chairman:** I gather, Mrs. Campbell, your remarks are addressed to the tribunal itself and the delay in processing appeals—

**Mrs. Campbell:** Yes.

**Mr. Chairman:** —as far as assessment is concerned, as you know—

**Mrs. Campbell:** Well, I thought we rather embarked on a somewhat general discussion about the appeal process when we talked about the Municipal Board—

**Mr. Chairman:** Yes.

**Mrs. Campbell:** —so I thought it was appropriate to get—

**Mr. Chairman:** I was trying to define your question because as you appreciate the assessment itself is under the Ministry of Revenue.

**Mrs. Campbell:** I am aware of that. But it is the appeal procedure that is under this minister and that is the one I am taking objection to.

**Hon. Mr. Welch:** Well, I'm told that there was an amendment—

**Mrs. Campbell:** In part.

**Hon. Mr. Welch:** —that there was an amendment which allowed the municipalities now to send out some interim tax bills on the assessment roll but I think rather than attempting to—

**Mrs. Campbell:** Well, of course, we've had interim tax bills for years.

**Hon. Mr. Welch:** —give you anything definite now, if you leave that with me I'll be very glad to see whether or not there is some procedure now.

**Mrs. Campbell:** Thank you.

**Hon. Mr. Welch:** And if not, whether or not there wouldn't be some way to accommodate that particular difficulty.

**Mr. Chairman:** Further questions, comments on item 1?

**Mr. Lawlor:** Mr. Chairman, just a question or two. Has there been an internal change in the organization? In last year's estimates it was outlined that there were nine registrars, 11 assistant registrars, 39 secretarial help—

**Hon. Mr. Welch:** In the assessment review courts?

**Mr. Lawlor:** Yes.

**Hon. Mr. Welch:** My staff information is we have a chairman, a vice-chairman, a programme executive, seven assessment supervisors—

**Mr. Lawlor:** You haven't changed it since last year?

**Hon. Mr. Welch:** And 51 secretarial and clerical staff.

**Mr. Lawlor:** Take a look at page S227, May 8, 1973; it looks somewhat different.

All right. You pay somebody \$60 per diem, apparently the members. As you say there are approximately 150 of these of whom 50 are lawyers throughout the province. The part-time people get \$20 per diem—is this the way you have it set up?

**Mr. Pukacz:** No, it is \$60 per sitting the members are given. As far as their staff is concerned they use temporary staff on sittings and they pay about \$5 per hour.

**Mr. Haggerty:** And they can have three sittings a day?

**Mr. Pukacz:** Three sittings was maximum.

**Mr. Haggerty:** I thought you meant one in the morning, one in the afternoon and then again in the evening if they wanted to.

**Mr. Pukacz:** They are paid only for the morning and afternoon, not for the evening sittings.

**Mr. Lawlor:** Not for the evening sessions?

**Mr. Pukacz:** No.

**Mr. Lawlor:** But there are the 354 part-time people and they are paid what?

**Mr. Pukacz:** They are paid \$60 per sitting.

**Mr. Lawlor:** I see, \$60 per sitting? The same as the members themselves?

**Mr. Pukacz:** There are only two full-time members, chairman and vice-chairman.

**Mr. Chairman:** Are there any further comments or questions on item 1?

Item 2, board of negotiations.

**Mr. Singer:** Yes, on item 2, Mr. Chairman, there are two or three things I want to talk about in relation to the Expropriations Act. I suppose really they are broken by two sub-votes here, the Board of Negotiation and the Land Compensation Board. If you will permit me I would like to make all my comments relating to the Expropriations Act now.

**Hon. Mr. Welch:** I wonder if the chairman would allow discussion on 2 and 4 together?

**Mr. Chairman:** It is certainly logical.

**Hon. Mr. Welch:** Would that seem to be the thing to do?

**Mr. Singer:** Yes, all right. Let me start on item 2. The Board of Negotiation has been one of my pet hates since it was put in there and looking at the statistics I think they bear

out the argument I have been making for several years.

**Hon. Mr. Welch:** Justification for your hate?

**Mr. Singer:** Yes. It is called the kitchen cabinet and I don't know why we have statistics—

**Mr. Lawlor:** Sink.

**Hon. Mr. Welch:** Kitchen table.

**Mr. Singer:** Kitchen table, is that what it is? I don't know; it is something in the kitchen anyway.

**Hon. Mr. Welch:** Sit around the kitchen table and talk.

**Mr. Singer:** There have been 256 applications and on the next page they had 222 meetings; and there are still outstanding 35 applications. There isn't a figure in there as to how many of these meetings resulted in settlement.

As you look at the breakdown of the statistics on page 66 of the red book, there has really been only a spate of them in Ottawa—and spate is really not a good word when you look at the number, 10. Even when you come to Metropolitan Toronto, which has a much larger population than Ottawa, there are only 23. The figure for Transportation and Communications, 92, I suppose is understandable because that's a province-wide figure. The takings by Transportation and Communications—or really by the highways branch of Transportation and Communications—are often quite small in acreage. An aggrieved person, who is often a farmer, really doesn't want to get mixed up in all this nonsense of protecting his rights under the provisions of the Expropriations Act when, hopefully, he can extract a few hundred more dollars over a negotiation.

Really my first question is, out of all these 256 applications which resulted in 222 hearings, how many settlements were effected?

**Mr. Pukacz:** Mr. Singer, if I can explain about it. We have done a survey because it is impossible when they meet in an informal way to know whether or not settlement was made. Normally, the lawyers appear with the clients and the board proposes a settlement but unless a new meeting is arranged they would not know whether or not the parties have settled.

The only indication is that only 79 cases came to the Land Compensation Board last

year for arbitration and out of those cases perhaps only half were from the Board of Negotiations. The other half haven't been before the board.

**Mr. Singer:** I don't really know what that proves, Mr. Pukacz.

**Hon. Mr. Welch:** I think you are saying the same thing.

**Mr. Singer:** Yes.

**Hon. Mr. Welch:** Actually he is sort of going—

**Mr. Singer:** Because frankly I know most lawyers who have to deal with these matters in Toronto don't bother to join into this process at all. In fact, I think it is a waste of time because you can't really elicit information. You aren't able to find out what estimate the expropriating authority has. There is the whole business of taking the estimate in and you listen to the other fellow and you hold it close to your vest and you say: "Ah, but that isn't what my people say." And then if you pursue it through: "What do your people say?" And they reply: "Ho, ho, we won't tell you." It's a waste of time.

I don't know if it gives anybody any great solace. It is only an expenditure of some \$80,000, and in an \$8.3 million budget, \$80,000 isn't very meaningful. But is there any belief that this does any good any more?

**Hon. Mr. Welch:** I think really to go back to the figures which Mr. Pukacz gave, Mr. Chairman, that there were 22 meetings held for—

**Mr. Singer:** Yes.

**Hon. Mr. Welch:**—these particular matters, and only 70-odd went to the Land Compensation Board; and only half of those had gone to the Board of Negotiation in the first place. It may be reasonable to assume that a number of matters which might have gone to the more formal board were settled at this particular level.

**Mr. Singer:** I think that before you bring another estimate of this kind before us that you could make that inquiry in depth, because those figures don't portray anything. They are speculation—and that kind of conclusion is a speculation. I don't think this is any more than a waste of time and you appoint a few people who run around locally and say, "Okay, come on in, Joe, and we'll talk to those nice fellows from the highways

department and convince them that you're right."

**Hon. Mr. Welch:** It may be, I can't recall at the time—perhaps the hon. member would recall section 27 was included in the Expropriations Act because they thought that in that more informal type of setting there could be this intermediate level; the parties, as you know, aren't prejudiced in any way.

**Mr. Singer:** That was the theory. That was one of Wishart's family theories. I didn't think it was going to work then and I don't think it is working now.

**Hon. Mr. Welch:** Okay.

**Mr. Singer:** Now the second point that bothers me very much is what has flowed from section 1, I'm now into really, I suppose, the Land Compensation Board and/or the Expropriation Act, from section 1, subsection (e)(ii), which is the definition of injurious affection. It says:

Where the statutory authority does not acquire part of the land of an owner,

(a) such reduction in the market value of the land of the owner, and

(b) such personal and business damages, resulting from the construction and not the use of the works by the statutory authority, as the statutory authority would be liable for if the construction were not under the authority of a statute. . . .

What that really meant was—and I must admit that I didn't grasp it when the Act was being debated—we have created a new form of court to deal with damages for negligence that can have under sub (ii) no relationship at all to an expropriation.

The case of 4000 Yonge St. vs the Municipality of Metropolitan Toronto revolved around construction by the Municipality of Metropolitan Toronto of a major sewer work to the north of the buildings and on municipally-owned land. It wasn't on the owner's land.

As a result of the construction it was alleged—and the Land Compensation Board found partly for the claimant—that certain damage had resulted to the buildings. The land began to collapse, the buildings developed cracks and settled, and so on. There was a substantial damage claim and a less substantial award. But there was an award. It was really based on negligence.

Now, I can't really quarrel with the decision of the Land Compensation Board to hear the matter and to make an award as

the circumstances said, because on a much closer reading than I had previously made to this section, I think probably the Land Compensation Board has been instructed by the Legislature to do what they've done. But it's the anomaly of the situation that bothers me. That is, that any other claim for negligence goes through the courts in the normal way. A claim for this kind of negligence committed by a municipal body or a statutory body is dealt with by the Land Compensation Board, and I see no rationalization for that at all. The 4000 Yonge St. case was one where there was no expropriation; there was a municipal work constructed apparently negligently, which caused damage to this 4000 Yonge St. Ltd. property. Fine. That is what courts deal with every day. That is what they are trained to deal with, and that is where it should be. The Land Compensation Board's expertise relates to land value and not to damage claims, except as incidental or supplementary to it.

I would urge the minister to take a very close look at that and perhaps talk to some of the people on the Land Compensation Board, because I know what I am putting forward has bothered many of its members. They have looked at the Act, and they have proceeded in the way the Act now appears to be written. I don't fault them for it, but I don't think they should be in the business of determining negligence claims—and they are put into this portion of it. If there is a negligence claim, it should go through the courts in the normal way.

Now the third point that I want to make relates to the waiving of a hearing of necessity. And that is provided for in section 6.

**Hon. Mr. Welch:** Section 6(3).

**Mr. Singer:** Section 6(3). All right.

The Lieutenant Governor in Council may in special circumstances, where he deems it necessary in the public interest to do so, direct that an intended expropriation shall proceed without inquiry—and so on.

I understand that that was done in the case of the Pickering expropriation.

**Hon. Mr. Welch:** Yes.

**Mr. Singer:** Yes. I think the minister is familiar with that. That was done, as far as I have been able to ascertain, by an order in council passed some time in January.

**Hon. Mr. Welch:** Yes, I can't be certain of the date, but it was the beginning of this year.

**Mr. Singer:** All right. For better or for worse, the Legislature saw fit to give the Lieutenant Governor in Council that power. But one would presume, where the power is exercised, that of all people the Attorney General would comply with all the provisions of the Act. I want to know what penalties the minister is subject to when he doesn't observe subsection (5), which says that the Attorney General shall, within 30 days after the commencement of each session, lay before the assembly a copy of each order made under subsection (3).

**Hon. Mr. Welch:** He did.

**Mr. Singer:** He did? When?

**Hon. Mr. Welch:** Within 30 days.

**Mr. Singer:** Within 30 days? I don't recall that. I couldn't find it.

**Hon. Mr. Welch:** Yes, it was done. Well, I was in the unique position of being the Minister of Housing when the order was granted by the Lieutenant Governor in Council and then as the Attorney General—

**Mr. Singer:** You did lay it before the assembly. Well, my information was not as complete as I thought.

**Hon. Mr. Welch:** However, you will find that that was laid before the assembly.

**Mr. Singer:** Within the 30-day period? All right. I guess we can't send you to jail yet.

**Hon. Mr. Welch:** Thank goodness. My wife is coming home tonight.

**Mr. Lawlor:** That'll hurt him more.

**Mr. Chairman:** Mr. Lawlor.

**Mr. Lawlor:** Throughout all these estimates I am concerned, as I was to some degree last year, with reports—some solid stuff we can put our teeth into and go to work. Now you are under no legislative obligation in most instances here to supply a report, and the most I have ever seen in this particular regard is what is contained in your notes for us this year, which I think you will agree are fairly skimpy with respect to these matters.

I would be most interested in knowing whether or not you yourself receive, first of all, from the board of negotiation, a seriatim report setting forth the various

raison d'être that go into the decisions involved so that a jurisprudence would be set up and the profession at least would be informed in advance as to what lines they should proceed on and that sort of thing.

I also wonder whether you are prepared to let us have those reports. We are not entitled to them in the strict sense, but if they come forward to you I can see no reason why you wouldn't make them available to us, perhaps along the lines of the reports coming from the Criminal Injuries Compensation Board, where the various cases and the ingredients that go into those cases are set forth one after the other, so we have got a fairly shrewd notion of how the cases are handled before that particular board. Is this possible?

**Hon. Mr. Welch:** Well, subject to what my officials advise me, as of this particular moment there are no such reports that I am familiar with along the lines that the hon. member makes reference to. I draw attention to the particular boards you are talking about now are ones involving mediation, attempting to come to some settlement between parties who can't agree; that's why they are there.

**Mr. Lawlor:** Yes.

**Hon. Mr. Welch:** And, I suppose, to that extent they would want to maintain a certain flexibility and approach so that they didn't become too rigid as opposed to other types of tribunals where perhaps that isn't the same posture. It may well be that, during the course of our discussions together in other matters, we could discuss some ideas as to what you think might be helpful to those who have to appear before these courts. It would be difficult, though, to get any uniformity because each case is different, except that there is the common ground that you've got two parties before you which can't agree, in this case, on the price of land, I guess.

**Mr. Lawlor:** Except that in 256 cases last year, 222 hearings, we were given figures, for instance, that there were six settlements, three assisted by the board. The basis on which the settlement was reached would be interesting.

**Hon. Mr. Welch:** As you know, if it's a matter of professional help the Law Society have their continuing education programmes, and perhaps there would be opportunities for the chairmen or members of these boards

to explain how they've approached some of their cases, if that would be helpful.

**Mr. Lawlor:** That would be very helpful, certainly, through the auspices—

**Hon. Mr. Welch:** I'd be glad to discuss that with you, except I'd be somewhat concerned lest we lose something of the flexibility in the approach of these courts, keeping in mind the nature of their work.

**Mr. Lawlor:** Again, on the composition of the board, is there a vice-chairman and nine members of the board?

**Hon. Mr. Welch:** Which board are we talking about?

**Mr. Lawlor:** This is the Board of Negotiation.

**Hon. Mr. Welch:** There's an acting chairman at the moment and there are five members.

**Mr. Lawlor:** Five members? Why don't they appear in the red book statement on page 65?

**Hon. Mr. Welch:** I don't know.

**Mr. Callaghan:** The red book was a first-time experiment. We'll put them on for you next year. We didn't get everything in the red book that we would have liked to have had in it. We could give you a list of the members if it would help.

**Mr. Lawlor:** Oh, I see. So the staff information in this particular instance is inadequate?

**Mr. Callaghan:** No, it wasn't. We had it. The red book was an experiment—

**Mr. Lawlor:** And I'm grateful for it, but it shows three people on staff, one chairman and two secretaries.

**Mr. Pukacz:** Oh yes. The money provides only full-time staff. It doesn't provide for part-time staff, and the members of the Board of Negotiation are paid \$60 per sitting.

**Mr. Lawlor:** I'm sorry. They are paid \$60?

**Mr. Pukacz:** They are paid \$60 per sitting.

**Mr. Lawlor:** Per sitting, not per case?

**Mr. Pukacz:** No, no.

**Mr. Lawlor:** Just one other thing on this vote, I notice that in your activity report on page 66 the Union Gas Co. of Canada Ltd. had three applications before the board. Has Union Gas got special dispositive powers of expropriatory powers? All the rest of the entities here are governmental.

**Mr. Haggerty:** Consumers' Gas has it, too.

**Mr. Callaghan:** The gas companies have expropriating rights for their lines.

**Mr. Haggerty:** Bell Telephone?

**Mr. Callaghan:** Yes.

**Mr. Haggerty:** Did they always have it?

**Hon. Mr. Welch:** Yes, by their legislation.

**Mr. Callaghan:** By their enabling legislation.

**Mr. Haggerty:** They had broad powers under it.

**Mr. Lawlor:** Have the railroads in this province, too, powers to expropriate?

**Mr. Callaghan:** Yes, they have. The railways' problems in expropriation are dealt with by the Municipal Boards pursuant to the Railway Act. I think that's the way that works.

**Mr. Lawlor:** I just think it's very questionable. Governmental bodies, yes, school-boards and others, but when I saw Union Gas there it just kind of took me back a bit, the private sector in the economy, having virtually monopolistic powers, has conferred upon it by the legislation of this province the right to expropriate.

**Mr. Callaghan:** I wouldn't want to say that that right to expropriate is conferred by provincial legislation. I want to check that. I think it's conferred by federal legislation. They are interprovincial undertakings.

**Hon. Mr. Welch:** I would be very surprised if that was not the case.

**Mr. Haggerty:** I think it is the province's. I had a case dealing with my property.

**Hon. Mr. Welch:** I will check into that point.

**Mr. Lawlor:** I have a question along the lines that Mr. Singer asked. I would like to know the total number of all expropriations, if that's possible, so that I can com-

pare that to the number taken before the Board of Negotiation.

**Hon. Mr. Welch:** The total number of expropriations during the last fiscal year?

**Mr. Lawlor:** Yes, right.

**Hon. Mr. Welch:** I don't know that I can give you that information now, but I'll get that information if it's available.

**Mr. Lawlor:** I guess most of it would be in government services, really. Is there any central agency?

**Mr. Callaghan:** Or Transportation and Communications. It would be with the various agencies that do the expropriating. You see, many of the cases we wouldn't know about because they expropriate and they settle. There's no recourse to the provisions under the Expropriation Act. If I could just say something about the Board of Negotiation. The whole concept of that board is that it is an informal, non-prejudicial mediation between the two parties. Because that is the concept under which it operates, anything that takes place between the parties in front of that board has no bearing on what happens before the Land Compensation Board. It is just an inquiry to try and see if there is any way that an independent mediator can resolve the dispute.

**Mr. Haggerty:** How does one person or one party get that information from the decision of the inquiry officer?

**Mr. Callaghan:** The inquiry officer really doesn't give it. He negotiates with them and indicates to them what he thinks is appropriate. But if one says, "I like that," and another says "I don't like it," that's the end of the matter, because all the proceedings before that Board of Negotiation are without prejudice to future proceedings before the Land Compensation Board.

**Mr. Haggerty:** Are you sure about that? I am thinking of a particular case in the city of Port Colborne where they expropriated land.

**Mr. Callaghan:** I think that if you look in the Act, there is no reporting. Not only that, but all those proceedings are without prejudice. Section 27 of the Expropriations Act is the one that sets it up.

**Mr. Haggerty:** They try to get the information and they say you have to go to the municipality to get that information. Nobody knows what has taken place after

the inquiry hearing. Surely you must make some recommendations.

**Mr. Chairman:** Mr. Haggerty, you may be confusing the inquiry officer with the Board of Negotiation, because the inquiry officer hears applications as to whether there is necessity for the expropriation. And you can't go before a board of negotiation until you have an expropriation.

**Mr. Haggerty:** Well, to get on to this matter which you just raised here, how do you get that information on necessity then?

**Mr. Chairman:** The notice of expropriation has to be filed first and then when that is served, the person who is being expropriated can elect as to whether or not he requires an inquiry officer to determine need. Now, of course, that process is completed before the expropriation takes place. It is only after the expropriation takes place that he can go before the Board of Negotiation.

**Mr. Haggerty:** Where do you get this information, though?

**Mr. Chairman:** From the expropriating authority.

**Mr. Haggerty:** Now, I am trying to get this through your department here and for some reason I can't get it. They direct me to go back to the municipal council. They say that the council should provide you with that information. Surely the inquiry officers could have that information, pointing to the need for necessity in the first place.

**Mr. Callaghan:** Well, that's not the Board of Negotiation's responsibility.

**Mr. Haggerty:** No, it is under land compensation.

**Mr. Callaghan:** That's right. But the Board of Negotiation is outlined in section 27 and if I could just read you subsection 4 of section 27 it says: "In any case in which a notice of negotiation is served. . ."

So what happens is, if I am the expropriating authority and I serve you with a notice of expropriation, you serve me with a notice of negotiation. That means you want to sit down and discuss this, and that is where you go to the Board of Negotiation. It's strictly voluntary. It's strictly a summary procedure and the Act says:

In any case in which a notice of negotiation is served, the Board of Negotiation, upon reasonable notice to the statutory authority [that's the expropriating au-

thority] and the owner shall meet with them, and without prejudice to any subsequent proceedings, proceed in a summary and informal manner, to negotiate a settlement of the compensation.

Thus no matter what takes place between you and I in front of the Board of Negotiation, it cannot be used against us, and you cannot use what I say there and I can't use what you say there in the later proceedings if we don't agree on a negotiated settlement.

If our negotiations break down at that stage and you want \$1 million and I am only offering \$500,000, then we say, "Thank you, we can't get a settlement." You then say, "I am going to serve you with a notice of hearing of necessity that you don't need my property.

At that stage you are moving into the expropriation procedures which lead you to the Land Compensation Board. At that stage, an inquiry officer is appointed by the chief inquiry officer. He then has a right to hear your submission that you don't think the land is necessary for the purposes of the particular expropriation. On the other hand, the expropriating authority lays out its evidence as to why that land is essential. He then makes a report. Those reports go to both parties.

**Mr. Haggerty:** In this case, they didn't.

**Mr. Callaghan:** Well, if they didn't there is a mistake, because the report of the inquiry officer has to go to the owner and to the expropriating authority. If it didn't, you are entitled to it and we will see that you get it.

**Mr. Haggerty:** Is there a Mr. Wilson in St. Catharines who looks after this expropriation department?

**Mr. Callaghan:** I don't know. I could check that out as to who the hearing officers are.

**Mr. Haggerty:** It is almost a year now and the property owners cannot obtain a report from that hearing—

**Mr. Callaghan:** There are cases now—I am not aware of it but I can visualize a problem where he has had his hearing of necessity, he has heard both sides, and hasn't delivered judgement. That's not uncommon to judges. But if that is the case then you could write to the chief inquiry officer in our ministry and he will get on it and say, "Come on, come up with your report."

**Mr. Haggerty:** I have gone there and I haven't got too good results with him. And now the person wants to dispose of his property. He's got this hanging over his head, this expropriation of some of his property, and he can't dispose of it.

**Mr. Callaghan:** If you give us the name of that one we'll see what we can do to speed it up. You see, if the inquiry officer hears evidence from both sides as to the necessity for taking that—

**Mr. Haggerty:** It's a Mr. Steve Zudell in the city of Port Colborne, on Minor Rd.

**Mr. Callaghan:** Make a note of that and we will look into it. If the inquiry officer gives a report then both parties are entitled to it.

**Mr. Chairman:** Mr. Callaghan has stated that he will check into that and see that he gets a copy of the report.

Further questions or comments on items 2 and 4?

Item 2 carried.

Item 4 carried.

Item 3—the Criminal Injuries Compensation Board.

**Mr. Lawlor:** On this particular board, I have a few questions. Mr. Wishart has left the board in the recent past. The latest report I have before me is the fourth annual report. Is that the most up-to-date report we have?

**Mr. Pukacz:** Yes, because we have to change to a fiscal year basis, so the next report will cover only a fiscal year. This covers three months of the previous calendar year and then the fiscal year.

**Mr. Lawlor:** I see—yes. I am looking at the 1971 bill that came before us—the Compensation for Victims of Crime Act. Section 6 says that “the application may be made within one year from the date of the injury or death but the board before or after the expiry of the one year period may extend the time for such further period as it considers warranted.” To what extent has the board utilized that power to extend the time to go back?

**Mr. Pukacz:** They are very lenient as far as this is concerned.

**Mr. Lawlor:** You wouldn't know the number of cases in which this—

**Mr. Pukacz:** I wouldn't know because we don't receive—

**Mr. Lawlor:** There is nothing in the report, as I see it, that gives any indication of how this matter is handled.

**Mr. Pukacz:** It is a purely discretionary power.

**Mr. Welch:** You will find that this board, certainly in its practice, has been a very compassionate board in attempting not to let rules stand in the way of—

**Mr. Pukacz:** We have never used it as a rejection reason.

**Mr. Lawlor:** They do complain, through you, Mr. Chairman, to the minister, that—on page 7 of this report, the board since its inception—

**Mr. Callaghan:** Can I correct something, Mr. Lawlor?

**Mr. Lawlor:** Yes, fine.

**Mr. Callaghan:** I was just checking the Act. I must admit I always believed that the report of the—Mr. Haggerty?

**Mr. Haggerty:** Yes.

**Mr. Callaghan:** I always believed in my own mind that the report of the inquiry officer should go to the owner. I notice by the Act it doesn't necessarily have to, because the way the section reads—it says: “The inquiry officer shall report to the approving authority.”

I cannot conceive in my own mind how any inquiry officer at the request of an owner could refuse him that report, as a matter of natural justice, but I must admit the technical language of that section would indicate that he could if he wanted to stand by the technicalities of the law and refuse to do it.

**Mr. Haggerty:** Why shouldn't that section be amended then?

**Mr. Callaghan:** It should be.

**Mr. Chairman:** Thank you for clarifying that, Mr. Callaghan. I think Mr. Callaghan has said that he will make his best efforts, in any case, to get that report.

**Mr. Haggerty:** Perhaps that section should be amended then so that both the parties concerned—

**Mr. Callaghan:** I'll take a look at that.

**Mr. Chairman:** Mr. Lawlor, I am sorry. You were interrupted in connection with your remarks on the Criminal Injuries Compensation Board.

**Mr. Lawlor:** Yes. I was pointing out that in the report of the board—the latest report we have—the board since its inception has had only one investigator in its staff. With the great increase in the number of applicants it is impossible for one man to properly and thoroughly do the necessary investigation and assemble the relevant evidence which is essential to proper adjudication of compensability and assessment of entitlement to compensation.

What is the score on that?

**Hon. Mr. Welch:** I think there is an error in that. Mr. Pukacz, would you like to correct it?

**Mr. Pukacz:** If you notice there is one executive officer and one investigator. As a matter of fact, it is a question of classification. They are both executive officers and they are both investigators, but one was named as executive officer and the other one as investigator.

**Mr. Lawlor:** So there are two—

**Mr. Pukacz:** Two investigators at the moment.

**Mr. Lawlor:** —investigators really, for the board at this time.

**Mr. Pukacz:** Yes, at this time.

**Mr. Lawlor:** The Act has been broadened out since its first inception. Of course, it was fairly limited to assisting police officers in the course of their duty and to people who were injured thereby. Subsequently, a much broader category of individuals have been caught within the ambit of the Act, which is highly beneficial. This is a piece of legislation too which is, if I'm not mistaken, 90 per cent paid for by the federal government of fairly recent date. Is this correct?

**Mr. Pukacz:** Five cents per resident per capita and we don't recover very much of the—five cents per capita in Ontario is the maximum.

**Mr. Lawlor:** Yes.

**Mr. Pukacz:** The basic is 90 per cent of actual awards or a maximum of five cents per capita, which is much less than we actually recover.

**Mr. Lawlor:** Much less than 90 per cent?

**Mr. Pukacz:** Yes.

**Mr. Lawlor:** Does it represent a fair proportion of the \$997,000 we are asking for?

**Mr. Pukacz:** It is a little more than half.

**Mr. Lawlor:** I think the federal government on occasion ought to be given a little credit in these things.

**Mrs. Campbell:** Very rarely does it get it.

**Mr. Lawlor:** It is all hidden in here. Once in a while a contribution is made from on high.

**Hon. Mr. Welch:** Half of that contribution comes from the taxpayers of Ontario.

**Mr. Pukacz:** This contribution is shown in the red book at the back.

**Mr. Chairman:** Any further comments on item 3?

**Mr. Lawlor:** I am not quite finished, Mr. Chairman. On page 80 it said:

We have proposed to the Attorney General amendments which we believe will clarify certain sections of the Act and some which are new and all of which we believe will improve our administration and enable us to better serve the public and those citizens who come before us as applicants. We anticipate these amendments will be introduced in the Legislature during the current session [which was last year].

Have they? I can't remember them.

**Hon. Mr. Welch:** I don't think so. I have them now. I am planning to take them to committee.

Have we made some of these changes? There were some, as I am corrected. There were some last fall. The balance are before me. I knew I had some to deal with.

**Mr. Lawlor:** Oh, I see. That is one of the reasons that you are straining at the bit to get out of here possibly today?

**Hon. Mr. Welch:** I am in your hands.

**Mr. Lawlor:** Oh, you have got used to it now.

**Hon. Mr. Welch:** I find estimates very, very helpful.

**Mr. Chairman:** We try to give a full hearing; at least the Chair does.

**Mr. Lawlor:** Last year, there was a somewhat egregious situation whereby the board itself refused certain applicants, namely, in-

mates of federal institutions—penitentiaries to be exact—any help under Legal Aid with respect to what went on in that penitentiary. Some of us felt that that was somewhat high-handed. Has there been any alteration in the policy of the board in this regard?

**Hon. Mr. Welch:** I think that is still the policy.

**Mr. Lawlor:** For federal inmates? Despite the fact that you are getting federal money, you refuse to give them this. Why?

**Mr. Callaghan:** The theory behind it was that you pay compensation to victims of crime because the state, which is the province and has the responsibility of protecting them, has failed in delivering its protective service. I am not commenting on the theory, but the theory as it applied with reference to people in federal institutions was that the state that pays this fund had no opportunity to protect the person in the federal institution because the protective services in that institution were controlled by another level of government. The province was not able to protect. That was the reason behind it.

**Mr. Lawlor:** I take it then that the people injured in Guelph reformatory or any other provincial institution would be eligible so far as it depends on that theory.

**Mr. Callaghan:** Yes, that's right. That is certainly something which is being looked at but that was an interpretation of the Act as opposed to a government policy decision.

**Mr. Lawlor:** That is all I wanted to ask.

**Mr. Chairman:** Mr. Haggerty.

**Mr. Haggerty:** Yes, Mr. Chairman, I would like to ask a few questions dealing with the Criminal Injuries Compensation Board, particularly those cases that come before the courts dealing with youth offenders or those persons under the age of 16, and perhaps even up until the age of 18, where they do some mischievous damage.

I think of one particular case where a person owned a small store in the Fort Erie area and year after year damage was done to his premises. They could go in and wreck the cash register, and one of those items cost about \$700 or \$800. Then the youngsters go before the courts and appear there with their rehabilitation officer and they are let off, hopefully on good behaviour, and that there will be some re-

adjustment. The person who had the damages done is left to pick up the tab.

I feel that if you have it for persons in criminal injuries why can't you extend it to cover that? It is an injury too. It is a loss.

**Hon. Mr. Welch:** There is no question that there are damages that are sustained that are very real. The policy governing this board relates only to personal injury and not to property damage.

**Mr. Haggerty:** But could it not be extended so that the person should be reimbursed or perhaps the courts should go after the parents and maybe stress that part?

**Hon. Mr. Welch:** That gets into a very interesting area, Mr. Haggerty.

**Mr. Haggerty:** I know it does.

**Hon. Mr. Welch:** The Canada Law Reform Commission was getting involved with the possibility of developing some type of a forum whereby there could be more emphasis on compensation. You've heard of that report which was published within the last month?

**Mr. Haggerty:** That is right. I think the thoughts and views were that they shouldn't put these youngsters in the lockup or institutions like that but instead let them pay their penalty by either paying it back in some form of—

**Hon. Mr. Welch:** There is restitution in some cases or compensation for damages.

**Mr. Haggerty:** This is right.

**Hon. Mr. Welch:** There are also lessons to be learned by way of follow-up. It is a very interesting proposition, the subject matter of that report, and I want to take a look at that. However, to speak to it with respect to this vote, we are talking about personal injuries here.

**Mr. Haggerty:** I know that but I wanted to get the topic in and broaden out on it a little bit.

**Hon. Mr. Welch:** You are really inviting us to consider what happens as far as property damage is concerned and there is no vehicle through this particular matter.

**Mr. Haggerty:** All indications are—what you have said is that you are thinking about—

**Hon. Mr. Welch:** The Canada Law Reform Commission has invited the country

to consider a new approach to some of these matters, particularly first offences, where there has been some damage and where there has been theft and so on, with less emphasis on punishment and perhaps more on rehabilitation and at the same time restitution and compensation. I haven't really gone into it any further than to read a summary of those reports.

**Mr. Haggerty:** Some cases are repeats by these youngsters and this really hurts the person on the other side of the fence who says "Why don't you—"

**Hon. Mr. Welch:** Mind you, it hurts more to have to pay something back than to spend two days in jail.

**Mr. Haggerty:** That is right but just how far do you expect a person to dig down into his pocket to pay for some of this?

**Hon. Mr. Welch:** He is certainly an innocent victim there.

**Mr. Haggerty:** He is innocent and I think he should be compensated.

**Hon. Mr. Welch:** Some of these things could be insured. I don't know what the extent of the insurance would be on these things or the risks which could be covered in some of them.

**Mr. Haggerty:** I'm delighted you are going to look into it further, anyway, to see if you can't broaden it.

**Hon. Mr. Welch:** Not as an expansion of this particular board, though.

**Mr. Haggerty:** No, but you are giving consideration to the matter.

**Mr. Chairman:** Mrs. Campbell.

**Mrs. Campbell:** Mr. Chairman, may I make what is now an annual comment, that is the question of coverage for a child who is the victim of an offence such as a contributing offence? I brought it up last year and I don't see that the child is getting anywhere on it and I'm wondering what the problem is.

You will recall that earlier I talked about the official guardian taking on the role of an ombudsman in such a case. What is the situation? Are we going to look to coverage for children who have been victims of a criminal offence, other than when there is actual physical damage? It may not necessarily be physical damage but it may be

emotional or other kinds of damage to a person, not to property.

**Hon. Mr. Welch:** Let me try to understand the question, Mrs. Campbell. We are talking now about an infant who suffers—

**Mrs. Campbell:** Someone under the age of 16.

**Hon. Mr. Welch:** Yes.

**Mrs. Campbell:** A juvenile; let's not make it an infant but it could be either. I mean an infant in that sense.

**Hon. Mr. Welch:** That's right. Who is the victim—

**Mrs. Campbell:** Of a criminal offence.

**Hon. Mr. Welch:** Yes.

**Mrs. Campbell:** Where that child doesn't necessarily have physical damage but has either emotional or mental damage.

**Hon. Mr. Welch:** Here we are faced with the same answer which I gave to Mr. Haggerty. We are talking about personal injuries here and what you are—

**Mrs. Campbell:** These are personal injuries.

**Hon. Mr. Welch:** The question really wouldn't necessarily be restricted to children, I suppose, if we expanded the whole matter as to whether personal injuries are to include other types of mental or emotional damage?

**Mrs. Campbell:** They are victims of criminal acts and they are victims in a personal way. I'm not talking about property damage.

**Hon. Mr. Welch:** I am not familiar with the nature of some of the claims but I don't know that that would be precluded from being considered by the board.

**Mrs. Campbell:** It seems not to get there. When I was in the courts we were trying to find the procedures to get this before the board.

**Hon. Mr. Welch:** This particular board?

**Mrs. Campbell:** Yes, and the answers we got were that they were precluded by practice, as I read it. Now if they are starting to open up—

**Mr. Callaghan:** If I may just make a comment on that. The way I read the Act, if you sustain an emotional or mental injury as a

result of a crime of violence and you can establish the connection between your emotional state and the crime of violence then you would be entitled to an award under the Act.

**Mrs. Campbell:** This is the way I read it, too. But I wondered what—

**Mr. Callaghan:** I don't think there is any rule—

**Mrs. Campbell:** —happened between the practice and what appears to be a breakdown.

**Mr. Callaghan:** As long as the other elements required by the statutes are established, then emotional stress and nervous injury as a result of an act of negligence have always been compensable in a court of law. I would think that if you can establish the same connection here between the crime of violence and that injury, then you should be entitled to an award. I must admit the difficulties in proving it might be a little more complex than in a normal case.

**Mrs. Campbell:** This is a problem, particularly since you don't always know quickly what the effects are.

**Hon. Mr. Welch:** Now that the hon. member has raised that point, I will make it my business to discuss it with the chairman of the board.

**Mrs. Campbell:** Thank you.

**Mr. Chairman:** Item 3, carried.

Item 4 has carried.

Item 5, Ontario Municipal Board.

**Mr. Haggerty:** Item 5? I thought I was going to get the past chairman of the board, Mr. MacBeth, to say a few words on the Ontario Municipal Board.

**Mr. J. P. MacBeth (York West):** I would say that there is a great deal of merit in that report!

**Mr. Haggerty:** There is, but nobody seemed to act upon it, and that's my concern.

In the report of the select committee on the Ontario Municipal Board, one of the recommendations was No. 25:

When a municipal council wants to make an accountable expenditure within its quota, it should not have to seek approval from the Ontario Municipal Board or any ministry provided no objection is filed.

Can you tell me if you are going to accept that recommendation or not?

**Hon. Mr. Welch:** I think my answer to the question that you raise is the same as the one I gave when you were talking about assessment. I, now, as the responsible minister, have the benefit of the advice of this select committee report. I have some propositions with respect to it that I want to discuss with my colleagues. It would not, I think, at this stage, be possible for me to comment on whether or not we are going to act on any particular recommendation. But certainly this matter will be before you—

**Mr. Haggerty:** This recommendation, I think, was put forth by the previous chairman. I am sure that the present chairman, Mr. Palmer, would be delighted if somebody would move in this direction. It would remove some of the workload over there and allow the board to go back to other important hearings.

**Hon. Mr. Welch:** This is an excellent report and I will have the advantage of counsel of my parliamentary assistant, who was chairman of the select committee at the time.

**Mr. Chairman:** Mr. Lawlor.

**Mr. Lawlor:** This is the last item on the vote and I want to commend the minister on having managed to get through the whole of the Attorney General's estimates without having his salary reduced or any particular item moved for reduction this year. It is an enormous achievement for a fledgling in office to have done this.

I had hoped my colleague, the member for Ottawa Centre (Mr. Cassidy), would have appeared. He probably spoke on the Ontario Municipal Board the other day and, if so, I am sure he had a good deal to say. He, unfortunately, cannot be here.

With that in mind, I simply say that we have been watching the Municipal Board closely since the departure of Mr. Kennedy, who raised it to a very high status indeed in terms of both discretion and adjudication, and with a sense of concern for the populace. Under Mr. Kennedy's direction, it became a protective arm of the quasi court structure for the protection of citizens.

The board has lost something of that. It has become far more legalistic, tied to its regimen. Its flexibility and deep-seated sense of concern for the public has somewhat evaporated. It hasn't gone to the degree yet that I feel that fulminations should take place, but we watch the reports coming forward. This is the only board whose reports are mandatory. And I now see the government

granting \$4,000 per year for the first time in order to have the board's reports made available, along with the Ontario Law Reports and other types of legal documents that keep us informed.

I have quite a number of cases that were supplied to me through the year but, as I say, I am a little weary at the end of these particular estimates and can't work up the proper spleen in order to do this thing justice at all. I regret the man who has a constant geyser force not being available to supply that need. That's all I am going to say on it, Mr. Chairman.

**Mr. Haggerty:** I am sure the minister will suggest that they catalogue all the different decisions of the board and that it will be available to all persons or interested parties and so forth. I am sure he will do that as he does with the compensation report, where he catalogues all the different decisions.

**Hon. Mr. Welch:** Well, the hon. member was a distinguished member of the select committee, I notice.

**Mr. Haggerty:** Yes, but it has been a long time since we have heard anything on it.

**Mr. Lawlor:** As they try to do on occasion, drown us with paper?

**Mr. Chairman:** Any further comments on item 5? Mrs. Campbell?

**Mrs. Campbell:** Again I subscribe to what has been said by the member for Lakeshore in the change in thrust of this board. I always had, as a municipal councillor, a strange dichotomy about it. I did not think that a board, by its very nature, ought to be able to function as an overseer of the elective process. But Mr. Kennedy was so tremendous in his approach to the citizenry, in listening with care to what they had to say and often giving effect to very real concerns in the community.

This indeed, in my opinion, has been lost, and I would like to speak particularly to the case of the hearings on the extension of St. James Town. The policy of extending that particular project, to my mind—and, of course, I am not a trained planner—but to my mind, was devastating as a planning matter. I am not going to fault the board primarily for the way in which they found but for the manner of the conduct of the hearings.

I did request that your predecessor look at the transcripts. I have only seen partial transcripts. But I find it a very dangerous situation if, when the citizenry appear before that

board, their motives are questioned. "Were you or were you not a candidate in the last municipal election?" What earthly business of the board's is it? You are there for a purpose and should be heard objectively; that is surely the function of a court. "What is your role?" "What is your interest?" Granted, one can have concerns about people perhaps coming from distances and having some kind of input. When you are a member of the public of the immediate area, you have very real concerns, knowing how very difficult the situation already is with that project, and you cannot really get an objective approach to the citizens' point of view, then I am concerned.

I raised the question, which is a much larger question, as to the validity, I guess, of the planning function of the Municipal Board. I raised it with your predecessor in these estimates last year. I don't think that I am speaking out of turn when I say he indicated to me that he had some concerns about this function of this board, which after all has no planning expertise per se. And when it has to take into consideration the planning board reports and the developers' expertise, the citizen is apt to lose.

We have already discussed earlier the proposal to fund citizens to permit them to bring expertise before this board, among others. But at this point, I'm afraid I am back to my old position that this is the kind of tribunal that should not be able to overcome what has been done in the past. Now, I recognize in this case there was a complication, since a previous council—one on which I did not sit—had approved. It was obvious that the present council was very much opposed and it was obvious that the citizens were opposed.

I suggest that the law officer of this province would have grave concerns about the types of questions asked, and the appearance, at least, of a lack of objectivity in listening to people. I would hope that at this time we could have something back from the Attorney General on his views as to the planning process of this board. I have always recognized, since the disasters of the thirties, that there has to be a body that can review the fiscal policies of municipalities for the protection of the taxpayers in it. But the way in which this is going really rather frightens me. If the populace is to be treated with a degree of contempt, it ceases then to have a function which I think it did once have. It functioned under Mr. Kennedy in a very different way.

**Mr. Chairman:** Would you care to comment on that, Mr. Minister?

**Hon. Mr. Welch:** I would be very happy to discuss the comments of the hon. member with the chairman of the board. I am not familiar with that line of questioning to which the hon. member makes reference.

**Mrs. Campbell:** I believe the chairman was not sitting. My information is that he attended, but I don't believe that he sat on that particular case.

**Hon. Mr. Welch:** I will be very happy to take the comments of the hon. member into account.

**Mrs. Campbell:** But I would also ask if you would be looking at this whole matter of their planning function, when they don't have any planners or anything attached and I don't think I want them to have.

**Mr. Lawlor:** One other thing you might mention when you are speaking to them, is the imposition of a levy on anyone seeking to appeal to the board.

In the old days, it was possible to get before that board. Even impecunious people had no difficulty. If some committee of adjutment made a division of land with their next door neighbour that would have a de-

preciating effect upon their property, they could get before that board. Now they have to send \$50 in in order to qualify for the first appeal. The first person to send it in has to pay \$50 or \$100 and everyone after that has to pay \$10 or \$15.

You know, really, this is a government agency supplied to the citizens. That type of monetary restriction does act—and it is intended to act—as a severe brake, and those who are least able to bear the burden are the ones most deeply affected. And their attitude towards class actions, too, is an example.

**Mrs. Campbell:** You certainly are not going to find developers who can't put up \$50 to \$100 to get before the board. Surely justice has to be for all?

**Mr. Chairman:** The minister has indicated he will discuss the questions of fees as well, Mr. Lawlor. Are there further questions on item 5? Item 5 carried? Agreed.

That completes the estimates of the Ministry of the Attorney General.

The committee adjourned at 5:30 o'clock, p.m.

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# Legislature of Ontario

*Ontario Legislative Assembly*

## Debates

### ESTIMATES, MINISTRY OF THE SOLICITOR GENERAL

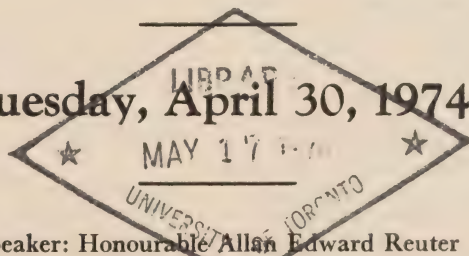
Standing Administration of Justice  
Committees

Chairman: Mr. J. A. Taylor

OFFICIAL REPORT — DAILY EDITION

Fourth Session of the Twenty-Ninth Legislature

Tuesday, April 30, 1974



Speaker: Honourable Allan Edward Reuter

Clerk: Roderick Lewis, QC

THE QUEEN'S PRINTER  
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(Daily index of proceedings appears at back of this issue.)

# LEGISLATIVE ASSEMBLY OF ONTARIO

TUESDAY, APRIL 30, 1974

The committee met at 3:25 o'clock, p.m.

## ESTIMATES, MINISTRY OF THE SOLICITOR GENERAL

**Mr. Chairman:** We have a quorum and we may proceed.

**Mr. Minister,** I believe you have a statement to make.

**Hon. G. A. Kerr (Solicitor General):** Thank you, Mr. Chairman and members of the committee. I would like briefly to review some of the programmes and activities contained in the estimates for the Ministry of the Solicitor General during 1974.

You will note that our estimated costs require approximately \$10 million over last year's figure. Of that, \$1 million is requested for the chief coroner's programme, mainly to defray the cost of the increased fees for coroners. It also includes the costs of the first full year of operation and expansion of the forensic pathology agency.

**Mr. P. D. Lawlor (Lakeshore):** Oh, that new beast.

**Hon. Mr. Kerr:** A half million dollars is requested to bear the cost of maintaining emergency measures services previously contributed to by Ottawa.

The bulk of the increase requested is in support of the Ontario Provincial Police. Of this, over \$5 million is for payment of negotiated salaries and benefits. Other amounts are for increased costs of gasoline and oil, and for additional personnel.

The task force on policing in Ontario has completed its work and its report is now in our hands. It is my intention to begin the implementation of many of the recommendations of this report as soon as possible, and these estimates have also taken that into account.

Construction work continues on the new George Drew complex of buildings for forensic sciences. This 20-storey building is hopefully expected to be completed by the end of this year. The centre will provide the province with modern forensic laboratories and research facilities.

The benefits of this building will be many in terms of providing improved scientific services to official investigative and public safety agencies. It will enable us to more conveniently group together our agencies in one building. At present, the coroner, pathologists, emergency measures and the fire marshal's office are widely scattered at several locations across the city.

The ordering of specialized equipment for the building has been completed. It is anticipated that the ability to handle the forensic caseload will increase markedly when the new facilities are in use. Additional fully qualified staff will be necessary so that expert service is available for this increased forensic capability.

Last October, the Department of National Defence announced that federal funds allocated to support the emergency measures programme in the provinces would be cut in half, from \$3 million to \$1.5 million. We are concerned that there be a continuous operation maintained to deal with civil emergencies and natural disasters. So the government of Ontario accepted the recommendation to provide the necessary funds to the municipalities to enable them to retain the present emergency measures planning capability until the end of 1974.

We have commissioned a study to determine how to provide an effective programme to deal with any civil emergencies in the province, in the face of reduced support from the federal government. The report has recently been received by my ministry and is currently being analysed. It is safe to predict that Ontario will continue to provide for emergency measures, with some changes, involving co-operation between the province and municipalities.

As recommended by the 1971 report of the Law Reform Commission on our coroners system, we have started to appoint a number of regional coroners to act as supervisors for local regions. Last October, we appointed the first of these officers under the new Coroners Act. The appointment is for the regional coroner for Peel and York counties, an area which accounts for nearly 30 per cent of all cases investigated by the coroners office.

Another regional coroner will be appointed this year in northern Ontario. We are anticipating that others will be appointed gradually until all nine regions of the province are covered.

During the past year, basic fees and remuneration for coroners were increased. To further help ease the burden of coroners, fees were also increased for body removal services and inquest court reporters. The ministry will propose that the rate of payment for jurors attending inquests will be increased to bring the Ontario rate in line with that paid in other provinces.

The Ontario fire marshal continues to work at improving the level of fire fighter training in the province. A revised fire protection technology course is intended to be offered at the fire college in Gravenhurst. This course is in the formative stage, and will be more oriented to the standards that are proposed in the new uniform building and fire codes.

The Ontario fire marshal continues to work with selected municipal fire departments to make recommendations for effective fire protection in the municipalities. For example, we are participating in the current activity regarding rooming house fires in Toronto. Where necessary we intend to continue to update legislation to help the municipalities be better able to inspect property and take measures to prevent fires.

The fire marshal will be active this year in working to improve fire protection in unorganized areas. This activity will be particularly strong in isolated settlements in northern Ontario.

The Ontario Police Commission will play a larger role than ever this year in overseeing many improvements in the efficient policing of our province. To this end, the former chairman of the task force on policing has been appointed as a special consultant. He will work with the OPC chairman and the other committee members on devising communications system and on implementation of task force recommendations.

Since publication of the task force report, we have received many submissions and suggestions on its recommendations. Because of his experience, the former chairman of the task force is particularly valuable in dealing with any sensitive issues in this area.

Implementation of task force recommendations will see us taking steps to reaffirm the role of the police in the community and to develop objectives for policing that will strike a balance between crime prevention and law enforcement.

The OPC has already proceeded to put into action many of the task force recommendations. For example, we are revising existing police training and devising other new programmes. Some of these will place greater emphasis on the humanitarian aspects of police work, on "constable oriented" policing, and developing more management capabilities.

More importance will be placed on the psychological screening of recruits, similar to those tests the Ontario Provincial Police already employs in recruiting.

Consultations are also under way with the federal government on the question of policing inland waterways.

We will encourage greater efforts to recruit and utilize more policewomen by forces in the province. It is intended that Ontario policewomen will perform much the same duties as the men, be paid the same, and have the same opportunities for promotion.

A provincial grant is to be made for a pilot project to test out a new digital police communications system in a selected region. The results of this project can be later examined for the benefit of all other police forces.

Another pilot project is in the London area to explore ways of improving the ability of the police to resolve family disputes and other disturbances of a non-criminal nature. It has involved training all officers of the London police force in the handling of family crisis and establishing a small civilian team to work closely with the police and other social agencies.

And, in Burlington, a project is continuing to study the psychological needs of policemen in the field to devise methods of improving job motivation and police performance. Incidentally, members may note that this Burlington project was started by my predecessor in this ministry (Mr. Yaremko).

The provincial government grant programme—

**Mr. A. J. Roy (Ottawa East):** Why did the minister have to say that?

**Hon. Mr. Kerr:** Well, there may be some questions. You know, the way things are going today.

**Mr. Roy:** We don't have suspicious minds.

**Mrs. M. Campbell (St. George):** He is really going downhill.

**Mr. Roy:** Who was policy secretary?

**Mr. Chairman:** Would you continue with your remarks, Mr. Minister?

**Mr. Roy:** Sorry about that.

**Hon. Mr. Kerr:** The provincial government grant programme is under way to assist municipal police forces to obtain uniformly high quality radio systems. Under this programme, which is directed through the Ontario Police Commission, the larger police forces of Ontario are eligible for grants of up to 50 per cent of the capital cost of new radio systems. The smaller forces are eligible for grants to offset 75 per cent of costs of these new systems.

The reason for this updating of communications is to help local forces to equip all their officers with personal two-way portable radios. This will enable officers to be in constant touch with their command centres, to be better able to react to emergencies, and to assist citizens in distress, be deployed faster to combat crime, improve the personal safety of officers, and put them in closer contact with automated information facilities. It is estimated that provincial assistance for this will approach \$3 million over the next three years.

Guidelines on the correct employment of surveillance equipment are being prepared by the OPC for all our police forces. This is to ensure that police thoroughly understand and conform to the new federal legislation dealing with electronic surveillance and wiretapping.

We must provide for the continuous development of technology used in gathering and disseminating criminal intelligence. Ontario's municipal police forces and the OPP were the first in Canada to be officially linked with the Canadian Police Information Centre in Ottawa. CPIC is a rapid-access data bank of computerized information, maintained by the RCMP, on criminal activities and methods. We wish to further develop our links with CPIC to the point where all police can gain direct access to this computerized system.

Following the official sod-turning ceremony in a week or so, construction will begin on the first phase of the new Aylmer Police College. This is long overdue as it has been apparent for some time that existing facilities at Aylmer have been hard put to meet the volume of training required.

The new complex of buildings will initially provide dormitory accommodation for 590 students from various forces. The new facilities will also include classroom modules,

library, double gymnasium, sick bay, firing range, and training for such special police skills as identification and crime photography.

The facilities will help provide a vast improvement in the already high standard of police training in the province. Some of these improvements have already been included in the curriculum at Aylmer, among which are more social sciences, better physical training, police refresher courses, technical training and senior management studies.

The Ontario Police Arbitration Commission is proving to be very effective in providing harmonious bargaining and arbitration of police contracts. In addition to its five-man member body, the commission has appointed its first full-time arbitrator. Since assuming his duties last July, he has successfully arbitrated 14 disputes.

According to available information, we can expect a volume of negotiations for contract renewals will occur during the fall of 1974. This is because of the number of two-year collective agreements due to expire later this year.

(Mr. Chairman, two extensive new programmes to improve Indian policing across the province are now beginning. These have been developed by us in close co-operation with Indian band councils and the federal government.

One programme features the recruiting of more band constables to encourage greater self-policing capability on reserves. These constables will be fully trained, including attendance at Aylmer, and provided with a more attractive salary. This programme, which initially provides for a 60 per cent participation by the federal government over the next two years, is currently being negotiated with Ottawa. It is expected that in the future Ontario will ultimately be paying 50 per cent of the cost.

The other programme is being launched by the Ontario Provincial Police to increase its presence and protection of Indian communities in the north. It involves increased frequency of fly-in patrols to isolated settlements where full-time OPP constables cannot be stationed, the building of permanent police posts in isolated areas, the moving of more policemen to these locations, and orientation and training to help officers better understand the particular needs of our native people.

High priority is being given by the OPP to the expansion of a police complaint bureau. This is set up to enable citizens to directly place any complaints they may have. It con-

tinually monitors complaints to enable the commissioner personally to assess the effectiveness of the processing system. The complaint bureau ensures that positive action is taken to redress any proven wrongdoing by individual officers. It is part of our overall concern to maintain standards of correct conduct, and good relations between the police and the public.

After new funds were included in the 1973 estimates, the drug enforcement section of the OPP was established last July. This 35-man section concentrates on suppressing hard drugs such as heroin and cocaine. The OPP drug enforcement section works closely with the RCMP and municipal police in joint forces operations throughout Ontario.

During the first three months of operation of the section, there were 370 charges laid under the Narcotic Control Act and 30 charges under the Food and Drug Act. Seizures of drugs with a street value of over \$2,873,000 were made in this co-operative police effort. Regular OPP officers who are not members of the drug enforcement section are also continually involved in drug investigations during the normal course of their duties.

The Ontario Government Protective Service was formed earlier this year. It replaces security services which were previously provided by a combination of the OPP, Government Services personnel, and private guards. This force is fully trained and under the direction of the OPP for the duty of protecting major government buildings. Their activities inside the legislative chamber are under the direction of the Speaker of the House.

We are developing legislation that will improve our ability to regulate private policing in Ontario. We have had an Act to provide this legislation since 1900. However, the industry has expanded so much during the past few years that it requires major changes to existing legislation affecting it. The objective is to form new legislation to take in all of this private type of policing, to improve the accountability to the public and to establish minimum standards.

These, then, Mr. Chairman, are some of the highlights of the estimates for this ministry and I look forward to discussing the items with the members of the committee in detail.

Mr. Chairman: Thank you, Mr. Minister. Is there someone from the Liberal Party—

Mr. Roy, did you want to make an introductory statement or some opening remarks?

Mr. Roy: Yes, Mr. Chairman, with your permission I would like to make some comments as to the opening statement. There are some matters that I want to raise in the reply to the opening statement on behalf of the official opposition.

I might state at the outset, Mr. Chairman, it had become a tradition, at least since I have been critic for the Solicitor General's department since 1971 when the member for Bellwoods (Mr. Yaremko) was the Solicitor General, that on each and every estimate I think we voted that the remuneration to the minister be reduced to \$1.

Mr. Chairman: It sounds monotonous if not repetitive.

Mr. Roy: Pardon me—

Mr. Chairman: I say that sounds monotonous if not repetitive.

Mr. Roy: Yes, but it was warranted in that situation. I see the member here, and as you know, I do not mean anything personal on the point. We just felt that as Solicitor General there was a lack of guidance.

In this particular year, Mr. Chairman, we do not intend to ask for a reduction of the estimates to that amount because we feel that the present minister has been at it only a matter of months and we feel that he should be given an opportunity to show what he can do.

Mr. Chairman, at least with my limited experience with the present Solicitor General he appears to be not as obstinate as his predecessor. He seems to be much more agreeable, but I am concerned that maybe he is too agreeable and that some of the points that are raised in the House are not followed up. We'll have occasion to monitor this over a period of a year.

When we do raise some of these issues you appear very agreeable in the House. You seem to be aware of situations that are raised, whether it was laundering money, as mentioned by the hon. member for High Park (Mr. Shulman), or the matter that I raised today, the question of bookmaking in large industries in the province. You seem to be aware of these situations and yet there appears to be no active—

Mr. V. M. Singer (Downsview): Enforce-  
ment.

**Mr. Roy:** —enforcement of the law or the curbing of these activities.

It would seem to me, if I can say this to you in all sincerity, that when a member raises a particular issue and you offer him the challenge of drafting the legislation, that is not the role of a private member. He can be helpful, he can bring to you a particular situation, but surely the onus should not be left with a private member to try to draft legislation to curb a particular problem. You, with all your experts around you—lawyers, police officers, members who have experience in that particular field—are in a much better position to consider what type of legislation would be proper to curb such activities.

**Hon. Mr. Kerr:** We did.

**Mr. Roy:** I look at the challenge that you gave the hon. member for High Park, for instance, to draft legislation.

The other point that I'm concerned about is, too often in this province when issues are raised I find that the buck is passed on to Ottawa. You say it's Ottawa's problem. I would like to see responsibility accepted where responsibility is due.

Now, I was pleased to look at some of the aspects of the opening statement. I notice it was in sort of a pot-pourri form, in other words, a good stew, a mish-mash of different highlights in your ministry. Because my reply is intended to be sort of in kind, a pot-pourri of different matters that I intend to raise.

I can say to you in all sincerity, Mr. Chairman, and to the minister, that the activities of the leadership provided in the whole field of justice has left the opposition with somewhat negative reactions. We felt that not enough emphasis has been put in the field of justice at least since 1971. And this was due in large measure to a changing of ministers, a lack of leadership. We felt this was a problem inherent in the Ministry of the Solicitor General.

I suppose that if some credit should go to the former minister the main credit he should get is having established this task force on policing. I suppose we saw it as an occasion for him, not having any original ideas, getting them from somebody else. But in any event, this task force on policing has made what we consider to be very valid and very worthwhile recommendations. And I'm sorry to see that in some of the aspects of your opening statement you did not deal with them.

If I could say to you, Mr. Chairman, and to the minister, one of the aspects which in our opinion showed what was wrong with the Solicitor General is the Solicitor General's activity and his initiative in the field of pinball machines.

It appeared to us, with all the problems that we had in this province in relation to crime—we had problems of crime in the construction industry, we know that there's a question of crime in relation to drugs, a question of organized crime in relation to bookmaking and other activities, and the question of the relationship between the police and the public—that what seemed to interest the Solicitor General more than anything else was to swoop down on pinball machines. It was an ironic situation. That, more than anything else, was evidence to us of what the priorities were in the Solicitor General's department.

Here was a situation where such innocuous objects as pinball machines were singled out. I mean, the kids in this province could be doing a lot worse things, I would think, than playing around with pinball machines. Secondly, in light of the fact that the federal government had said it was going to amend the Criminal Code to in fact legalize them, I can't understand why the Solicitor General's department is so enthusiastic about seizing pinball machines. In fact, I understand that seizures were made again just last weekend at the pinball machine tournament.

What really bothered me about this situation is, first of all, your trying to curb this type of activity, which in fact is questionable. I mean, the morals of society have changed. What is basically wrong with pinball machines? Especially in the light of the fact, Mr. Chairman, that I had asked specifically of the minister. "Do you have any evidence that organized crime, or whatever it might be, is behind the sale or the operation of these pinball machines?" And he had answered to me that he had no evidence of this.

So what is the purpose of having this sort of white knight enthusiasm about seizing pinball machines? Especially in light of the following events: first of all, the Attorney General of Canada had said that he was going to amend the Criminal Code and legalize the use of them; secondly, there was a test case in Ottawa where the pinball machine was brought into court, the seizure of that machine was challenged and they brought an expert down—apparently he was the pinball champion of New York State, or whatever

he was—and the judge ruled in that particular case that the activity around a pinball machine was a game of skill and not a game of chance, and therefore was exempt under the Criminal Code as long as certain alterations in relation to a free game were made on the pinball machine.

Well, that decision, that judgement, had no sooner been written than the police in the Ottawa area—not only in the Ottawa area but in your own riding, Mr. Minister—went down there and seized more pinball machines. I consider that to be unfair. That was basically unfair and when I asked the police about the seizure of these machines they said, “Well, we are not satisfied that the decision in Ottawa in fact affects the machines that we seized.”

I thought that was pretty presumptuous on the part of the police to decide unto themselves that the machines that were working, machines which the evidence indicates to me are identical to the Ottawa situation, were, in fact, to be seized and confiscated. It was not just one machine. At least if they wanted to get another test case for other machines they could have seized one machine, but they swooped down and took 12 machines here and 15 machines there and for all intents and purposes they were running these fellows out of business. I just wonder why because it patently unfair.

The second thing that happened is that the word then went out that the police should quit seizing those machines and that the cases which were before the court would, I understand, be put over or adjourned until the legislation from the federal level came down. Again this was an unfair situation, where you have 10 or 12 machines with money invested in these particular machines. It was a reasonable presumption for these individuals to make after the Ottawa decision, which had not been appealed by the Attorney General's department. If the Attorney General didn't agree with the decision of the judge he could have appealed the decision. They did not do this.

The police took it on themselves to pick up some more machines. Seizure was made and then dates were set for the cases to proceed. Then they said, “Well, we won't proceed with these particular cases as the federal government is going to amend the legislation.” But they didn't give back the machines.

I don't have any axe to grind. I don't play pinball machines. I don't have any clients who are pinball machine operators, but I

just felt that this was a situation where it was patently unfair.

You know, the citizen on the street says, “If the judge makes a decision on a particular subject, I have to follow the decision.” But the police went out themselves and they seized the machines. They presumed, themselves, that the machines which they had seized were in fact illegal. What I consider to be unfair was this. The police had a right, let's say, to have another test case. But at least they could have seized one machine and not, in fact, run the operators out of business. You know, yourself, Mr. Minister, that you had complaints from your own riding. To me this was an indication—

**Hon. Mr. Kerr:** You mean complaints—

**Mr. Roy:** Pardon me?

**Hon. Mr. Kerr:** Complaints from my own riding? You mean from a particular individual?

**Mr. Roy:** Yes.

**Hon. Mr. Kerr:** Yes.

**Mr. Roy:** From a girl. Isn't there a girl who is one of the biggest operators in your riding?

**Hon. Mr. Kerr:** I thought you indicated that there were seizures in my riding.

**Mr. Roy:** There were in fact seizures in your riding.

**Hon. Mr. Kerr:** No.

**Mr. Roy:** Oh yes. There was an article in Weekend Magazine in which she said she had complained about that.

**Hon. Mr. Kerr:** Outside my riding.

**Mr. Chairman:** Possibly, Mr. Roy, you could complete your general remarks and the minister will respond.

**Mr. Roy:** Yes, well I am just not quite finished with the question of pinball machines.

**Hon. Mr. Kerr:** As far as I know there are no pinball machines in Halton West.

**Mr. Roy:** Oh, there are. There are, yes. What is her name—the girl?

**Hon. Mr. Kerr:** Mrs. Currie.

**Mr. Roy:** Mrs. Currie, that's right. She has complained a lot.

This is typical of what was going on in our system of justice. The police were out there with their sirens blaring, the red lights going round, seizing pinball machines. In the meantime people were speeding on the highway. I am not saying that the OPP were dropping all other assignments and going out to seize pinball machines, but the word was out to close down the pinball operators.

The part that really concerns me about that type of legislation, Mr. Chairman to the minister, is the fact that it is being done on a selective basis. You can have six operators of pinball machines in a particular area and for some reason you'll go down and seize three or four here and you'll let the others operate.

**Mr. R. Haggerty (Welland South):** Like the denturists.

**Mr. Roy:** I don't know how this decision is made. I thought this was a typical example of what is going on in this province and that more emphasis should have been put on something more important.

Another matter of great importance I want to talk about, Mr. Chairman to the minister, has to do with wiretapping in this province. It is my understanding that wiretapping legislation is going to be proclaimed around June 15 of this year, and I notice that in your statement you didn't mention anything about the question of wiretapping. I want to bring to your attention two problems of great concern to us about this question of wiretapping.

The first question is that under the legislation the bill allowing wiretapping—which is federal legislation as you know, Mr. Chairman—the Attorney General appears to be the one who is going to seek from a county court judge or a Supreme Court judge authority to wiretap. I don't quite understand that in the light of the fact that since 1971, as you know, Mr. Chairman, we have made a split between police enforcement and prosecution. In other words, the police are under the Solicitor General now and the Crown attorneys and judges and such are under the Attorney General's ministry. The word hasn't got through apparently to the federal government that in fact it should be the Solicitor General, because it is going to be the police who are going to seek to tap a particular line; it should not be the Attorney General's ministry. I don't really know why that is allowed to exist in the legislation.

The second point—and possibly I will have another point—but the second point of great

concern to me is the question of obtaining approval or authorization to wiretap. You will recall, Mr. Chairman, we have been raising a question to the minister over a number of years here. The member for Downsview has raised this probably since he first came into the House. This is the question of judges sitting on police commissions.

I have no evidence there was any conflict—that a judge acted in a particular way in court because of the fact he was sitting on a police commission. I have no evidence of that, but we felt that there was an apparent conflict. And we have always had great difficulty in convincing the minister's predecessor, the member for Bellwoods, of this apparent conflict.

In a situation where a judge sat on a police commission and that same judge sat, let's say, in criminal court, where he had officers of his own police commission coming to testify before him, the conflict was apparent to us.

The second problem, of course, is if you have only judges and lawyers on police commissions. In fact, I think you have the situation currently with the Ottawa police commission. The mayor, who is a lawyer, is on the police commission; the senior county court judge is sitting on the police commission; and the other chap who sits on the police commission is a lawyer as well. Police work is far too important to restrict it to the legal profession.

So we felt there was not sufficient public input with judges sitting on police commissions. But the conflict really becomes apparent with this new wiretapping legislation. If police officers want authorization for wiretapping, they must approach a county court judge.

**Mr. Haggerty:** The chairman of the police commission.

**Mr. Roy:** Yes. Well, in many centres in this province the county court judge is the chairman of the police commission and is the one who is going to be deciding something as important as allowing wiretapping.

As you know, Mr. Chairman, permission to wiretap is just like an open search warrant. It is just as if someone was allowed in your place for 30 days to search for whatever he wanted. The minute that tap is put on to the line you are not looking for anything specific. You just leave the tap on and you pick up whatever you want for the next 30 days, whereas a search warrant is for something specific. You are going to a place and

you are looking for a particular gun, or you are looking for something else.

So we are very concerned that abuses will occur with wiretapping. In fact, we had a seminar in Osgoode Hall some time ago and we had the counsel for the Senate Watergate committee, Mr. Sam Dash. This man is possibly the leading expert in the world on wiretapping. He wrote a book on wiretapping and he talked about the problems with wiretapping.

Dash explained it is extremely difficult to control the police once they are given that right to wiretap. In fact, he says US legislation, which is much stricter than ours, even now goes too far. They are thinking—in the light of what happened in Watergate—to curb the powers.

**Hon. Mr. Kerr:** That is the danger.

**Mr. Roy:** And so he says that the only protection, the greatest protection that we are going to have in this province—and the judges must be aware of this—is the judges themselves, against the possibility that the police abuse wiretapping. What happens if your police go before county court judges who sit on police commissions? You know, how fair do you think the public will see that to be?

**Mr. Haggerty:** A rubber stamp.

**Mr. Roy:** And so this is one of the reasons, Mr. Chairman, we've repeated this conflict over a number of years. It is a policy of the ministry now, I think, not to appoint any further judges to police commissions, but what about the ones right across the province, probably in every area of this province, who are in fact sitting on police commissions?

So, Mr. Chairman, we say that you have an apparent conflict here and I think it wise and I would think it most appropriate that the minister direct his attention immediately to this particular problem. In fact, I understand the legislation will be proclaimed June 15, so that doesn't really give us much time. But to me it is an apparent conflict which we should not tolerate in this province.

Now, another problem of concern, Mr. Chairman, is the question of police records. You recall, Mr. Chairman, I have raised this question before with a question in the House about a Mr. Rice in Hamilton who in fact was denied a job, he was denied being bonded, because he was told that he had a police record. He complained about it and the police said, "Yes, we have your record." As it turned out, over complaining and hir-

ing a lawyer and everything, he found out two years later that in fact the police had made a mistake. They had the record of another fellow by the name of Hamilton and that—

**Hon. Mr. Kerr:** They both had the name Rice. They both lived in Hamilton.

**Mr. Roy:** Well, I don't know if they both lived in Hamilton but they both had the name Rice. There was no question about that.

Unfortunately, I don't know why the police did not have a set of prints, matching photographs or something. As it turned out, this fellow suffered greatly because he was denied being bonded and the police found out after a closer check that in fact they had made a mistake.

But you see, mistakes like this are made because, as mentioned in an article dealing with Metro police that I cut out,

Arrest records of people acquitted of crimes are not destroyed by Metro police and outsiders with the right connections can get the information they contain, criminal lawyer Robert J. Carter said last night.

I'm just reading just briefly from the article. It states:

Carter said that a prospective employer could work through some investigative agency that had some connections. Thereby they might get access to the material.

He was asked whether there were private detective agencies and he replied:

Yes, I haven't got information that way but I'm sure people do get information that way.

And so, Mr. Chairman, I am greatly concerned that in your policy statement you mention how more effective the police are going to be. I'm all for that—the communications system; you are upgrading the education of the police; you are finally allowing women on a large scale, hopefully, to come into the police force, and so on—but I'm concerned that as you revitalize your police (I shouldn't use the word "revitalize"; it's not exactly as though they were dead or anything) but as you upgrade, and I think there's no question that this is going to upgrade the standard of policing in this province, you should keep in mind the rights of individuals who might well be wronged by certain activities of the police.

Very often such activities are not intentional; they are matters that slip up in a

large and complex operation like the Ontario Provincial Police or Metro police forces or police in large centres. But citizens' rights sometimes are being affected through these errors.

One of the ways that you could correct some of the errors is as follows: It seems to me if an individual is charged with an indictable offence and you take his photograph and you take his fingerprints, and if this individual is acquitted, surely his prints and his photograph and such should be destroyed. You shouldn't keep those on file, in my opinion, Mr. Chairman, because you get this accumulation of things and this is where error slips in.

Surely if after a hearing the individual was deemed to be innocent, what right do you have to keep, for instance, his fingerprints or his photograph? So, in my opinion, Mr. Chairman, one of the ways to avoid this, if an individual was acquitted, would be to have that record or that photograph destroyed or returned to the accused. It should not be kept on file because he was deemed to be innocent.

The second point is that that type of information about records certainly should not be available to private agencies, as has been mentioned by this article. Apparently a person with the right connections can get that type of information. Again, if mistakes are made—and the more hands it goes through the more chances there are of making a mistake—the rights of individuals certainly can be affected.

The third point I want to make, Mr. Chairman, to the minister on this aspect, is the question of an individual's right to see his file, possibly to correct any errors that might be in his file.

Not very long ago in this province we passed legislation dealing with credit information where there had been abuses. The Ministry of Consumer and Commercial Relations felt there were abuses; people were being hurt by this, information was being interchanged and there was no opportunity for an individual to go to his file and say that the credit information was wrong. We have altered that. We have allowed this process. I would like to suggest to the minister that this question be looked at and that an individual be given an opportunity, if he suspects the police have something or might have a file on him, to correct certain information. Hopefully, you would avoid the type of situation which has happened to this individual.

What happens is that when an individual is hurt by this type of information it is irreparable; very often it is irreparable and an individual is scarred for life. This is why I'd like to see the idea of a complaints bureau being set up. It was in your opening statement that you intend to have a complaints bureau. I am concerned that the complaints bureau seems to be applicable only as far as the Ontario Provincial Police is concerned. I would suggest that a more effective type of complaints bureau be set up at a provincial level to accept complaints about all police departments.

The reason for this is that, basically, today if you have a complaint against some police force—let's say the Ottawa police force or the Toronto police force—very often the investigation is done internally. It is looked at by different officers. There is an incentive on the part of the police to hide this because the reputation of the department is at stake and so you don't have a chance to get that input in there, to find out if mistakes have been made. When an individual feels he has been wronged by the police, it should be an independent tribunal, right across the province, which looks at this particular question so that there be a full airing.

Mr. Chairman, to the minister, as a former Crown attorney, as one who has practised in the criminal courts, I have seen this situation happen. I have seen what happens when I have gone directly to the police about a complaint that undue force has been used on an individual. The first thing you know there is a scattering of police officers who start looking for this information and very often they get an opportunity to build up a case against the individual to justify the situation. They have everything at hand and there is an inherent incentive on the part of the police officers to try to protect the reputation of that department.

I say it is frustrating to individuals who feel that they have been wronged. I think this complaints bureau should be set up on a provincial basis to look at complaints not only about the OPP but all police forces right across the province.

I was pleased to hear in your statement dealing with coroners that you intend to increase the rate of remuneration to jurors. I could never understand why you had a situation in which you paid \$6 a day for jurors. How could we tolerate that in 1974? We have the same situation, or a similar situation, existing as far as the petty jury is concerned.

Mr. Lawlor: That's \$10 a day.

Mr. Roy: Is it \$10 a day? I noticed there didn't seem to be much hesitation in increasing the remuneration for coroners. What about the jurors? What about a ridiculous situation like you had in Sudbury where they heard testimony for 44 days and the fellows were getting \$6 a day? It is okay for the individual who is a civil servant or who gets his money anyway—someone who gets his regular remuneration from his job. I understand there were individuals on that jury who were self-employed and how do you remunerate people like that?

How can you have an incentive to get people to participate in the judicial process or in the administration of justice in this province? Small wonder that every time you have an accident, witnesses scatter all over the place and hide. The same thing has happened in witness fees.

It is small wonder as well that any time—how many calls do we get from people who are prospective jurors, whether it be on the grand jury, the petty jury or coroner's juries, as to how they can get out of it? Surely to God, if we want to bring the administration of justice in line with the society of 1974, how can we possibly tolerate people still making \$6 a day? I think that situation in Sudbury highlighted the real weakness in the system, and I think it borders on negligence for the ministry to have tolerated this type of remuneration for a coroner's jury.

I would like the minister to tell the members of the committee here what figure he has in mind when he talks of increasing it from \$6. If you are going to increase it from \$6 to \$80 or \$10, you might as well forget it—

Mrs. Campbell: Don't say that, they will!

Mr. Roy: I think you should try to bring it into line with—

Interjection by an hon. member.

Mr. Roy: In any event, Mr. Chairman, I was pleased to hear the minister mention that he is going to look at this particular problem, because I think the Sudbury situation bordered on the ridiculous in terms of some of the individuals and the amount of money they lost.

Another thing that you did not mention about coroners, and which is a real problem that you certainly should look at, is the question of coroners' constables. Have you run across the problem across the province? At

one time, before we brought in the new Coroners Act—how long have I been going here, Pat?

Mr. Lawlor: You know, there are separate heads of administration under this vote, believe it or not.

Mr. Roy: Are there? But I have to make a general statement.

Mr. Chairman: Carry on, Mr. Roy.

Hon. Mr. Kerr: You've only been going for about five or 10 minutes.

Mr. Roy: In any event, Mr. Chairman, prior to amending the Coroners Act—was it in 1972?

Mr. C. E. Brannan (Deputy Solicitor General): Yes.

Mr. Roy: —there used to be what was called a coroner's constable. We had one in almost every area and he got to be familiar with the procedures. If something happened, he knew how to get the witnesses, set up the jury and the whole thing. It worked pretty well. But somehow, under the new Act, we did away with the coroner's constable. What happens now if a tragedy happens in a particular police force's jurisdiction, they have got to name a coroner's constable from that force, and the police officers apparently are not too pleased about that. The reason is that they end up appointing a police officer who has had no experience in this type of work and doesn't know what he is doing, so it costs more money and so on.

I want to read to you just briefly an account of what happened in Ottawa:

The refusal of Gloucester Police Chief Ken Duncan to supply a coroner's constable for an inquest into the death of a 51-year-old man in a Gloucester cell has forced Ontario's supervising coroner, H. B. Cotnam, to find his man in the Ontario Provincial Police.

"In other words," Chief Duncan said, "we are just not going to appoint anyone."

And it says:

Eric P. Mulligan, coroner's constable for the OPP's Ottawa detachment, was appointed Tuesday in a letter from Deputy Commissioner A. H. Bird. No date has been set for the inquest.

This situation is not only going on in the Gloucester Police Department but, I understand, in many other departments right across

the province. They feel you should have a coroner's constable.

What was wrong, for instance, in having a coroner's constable appointed for the Ottawa area? Or having two or three, say, for the Toronto area? Why wouldn't you have a coroner's constable who was familiar with the procedure and so on?

I think this is a situation where the legislation has been streamlined to have more effective coroners' inquests, but if you can't name a coroner's constable, it is going to frustrate the very purpose of the legislation. I think that situation should be looked at.

I would like to query the minister about the role of women in the Ontario Provincial Police. We applaud the fact that equality has finally come to the Ontario Provincial Police. In his statement he mentioned the fact that they would be doing equal duty and getting equal pay—and we applaud that—but I wonder if he has in mind to have women—and the reason I ask this question specifically of the minister is because I have been asked questions by OPP officers and other people in law enforcement whether you intend to have women out patrolling roads at night, taking part in armed robbery squads and so on.

**Hon. Mr. Kerr:** Are you interested in knowing that?

**Mr. Roy:** Yes, I am interested in knowing that.

**Mrs. Campbell:** I am forgiving about this.

**Mr. Roy:** For what?

**Mr. Lawlor:** Go ahead.

**Mr. Roy:** For this particular question? I thought I should ask it, although I know I'm going to get an elbow from the member for St. George here. In any event this was a query that was put to me sometime ago. What roles do you plan to have women play in the OPP?

**Mr. Lawlor:** I bet you thought that would be risky.

**Mr. Roy:** Oh, yes, you bet. I was not that enthused to ask the question in the first place, least not with the member for St. George next to me.

**Mr. Chairman:** I am sure, Mr. Roy, members of the committee will go into this in more depth when it is dealt with in this particular case in vote 1504 under personnel.

**Mr. Roy:** Very well. I noticed that the minister's statement was very general, covering all estimates, and my opening statement is as well.

The other matter that I want to mention, which was not mentioned in the opening statement, is this task force on policing. You mentioned some of the aspects you want to look into, for instance, Indian policing and the participation on their part. Undoubtedly you are familiar with some of the recommendations of the task force which mentioned that in certain areas of the province the OPP has not been all that enthusiastic about having bilingual officers. When you get in to ridings, such as Prescott and Russell, areas of Ottawa, areas of the north, areas of eastern Ontario—

**Mr. Haggerty:** Welland and Port Colborne as well.

**Mr. Roy:** —there has been no effort on the part of the OPP—I suppose not only by the OPP but most police forces as well—to try to get officers who can communicate with the public in their own language. That shouldn't be limited as to whether you are talking French or English. In certain areas of Toronto here, where you have large Portuguese and large Italian communities, one of the best ways to get a feeling of participation in a community and to get a certain amount of community co-operation is at least to be able to communicate with the public.

It has been extremely frustrating in eastern Ontario where continually the OPP have been sending officers who lack basic knowledge in French to enforce the laws in eastern Ontario and who cannot even communicate in French with members of the public. Surely in this province this is something we should have looked at before.

The same question is referable in relation to the Ottawa police force. In this particular case I know that the OPP is under your jurisdiction. I would hope that the fact that you did not mention it in your opening statement does not mean that you are not going to look at the problem.

You should look at the question of recruitment from minority groups within the OPP so that in this province, which is comprised of divers nationalities and people of different origins, they can feel that all agencies are open to them, including the Ontario Provincial Police. At that point then, I would suggest you would get participation on the part of the community. I've heard so many, many complaints in eastern Ontario

on this and I was pleased to see that the task force on policing had raised it.

I want to just mention another problem here which is of interest and which deals with a comment made by your predecessor, the member for Bellwoods. That is the question of cost of the Ontario Provincial Police.

I think in eight provinces the RCMP do the policing province-wide, whereas in Ontario and Quebec, and I'm not sure what other province has its own force, the policing is done by the Provincial Police. This question has been raised and discussed before. In a letter to the editor of the *Globe and Mail* your predecessor stated the following about an editorial entitled "Lawman Allmand and Two-Gun Choquette":

It goes counter to Ontario's interest in an approach to the federal government providing finances to provide for the cost of policing in Ontario. Perhaps your lack of support to lighten the load of the province's taxpayers in this particular area is based on an imperfect understanding of the issue. If it is proper for Ottawa to share half the cost of policing eight other provinces, should not Ontario have the right to expect the same fiscal contribution? Surely in view of the tremendous tax revenue contribution made by Ontario to federal coffers there is some justification for arguing for a greater return?

Ontario taxpayers, provincially and municipally, have been paying our own way entirely to support the efforts of the Ontario provincial and municipal police force, a law enforcement system which is one of the finest in the world. Your assertion is that Queen's Park has no better case than Quebec City and should forget the whole thing. It is not my intention to forget the whole thing. The total question of return of federal dollars to the province must surely have this aspect as one of the considerations. For these reasons I shall continue to watch the Ottawa-Quebec talks with a great deal of interest and continue a detailed review of our legitimate position.

Well, are you still watching the talks between Ottawa and Quebec about sharing of finances in relation to police forces in Ontario?

The second thing is, I would think it is typical of his approach that he would be watching rather than participating in these talks, because surely Ontario's case, Mr.

Chairman, is just as valid as is the case of Quebec? It is exactly the same situation. So if these talks are going on between the federal government and Quebec, why is not Ontario involved in these talks?

Interjection by an hon. member.

**Mr. Roy:** Our stake in our Ontario Provincial Police, I am sure, is as expensive as Quebec's stake in the QPP.

One of the last matters that I wanted to raise is something I raised in the House.

**Hon. Mr. Kerr:** I was hoping to get about three votes through before 6 o'clock.

**Mr. Roy:** Pardon me?

**Hon. Mr. Kerr:** I was hoping to get about three votes through before 6.

**Mrs. Campbell:** You haven't a hope in the world.

**Mr. Roy:** There is no way. Your opening statement was much too long.

Interjections by hon. members.

**Mr. Lawlor:** It is your moment in the sun, Mr. Minister. Be happy.

**Mr. Roy:** The final thing I want to raise is a matter which I raised in the House today, the great concern of certain people—and especially of Liberals—about the question of bookmaking or drug trafficking and so on in large industries in this province. In fact, this matter was raised, Mr. Chairman, at our convention in Sudbury on the weekend as a formal resolution by our labour committee. The minister responded to my question in the sense that he was aware of this type of activity.

**Mr. Lawlor:** What was the justice committee doing?

**Mr. Roy:** Pardon me?

**Mr. Lawlor:** What was the justice committee doing? You said by your labour committee?

**Mr. Roy:** By our labour committee. This was a matter dealing with aspects of labour and of course the labour people were concerned about bookmaking in the midst of their union workers.

**Hon. Mr. Kerr:** Just be careful.

**Mr. Lawlor:** I just want to see what you fellows were doing last weekend.

Mr. Roy: That's right. Well, as you know, this party takes on a number of issues.

In any event, they passed a resolution which first of all mentioned the question of offtrack betting in Ontario. Then they go on to say:

Illegal bookmaking is prevalent all over Ontario and taxes are not paid on any of it [which is certainly a good point.] Bookmaking in large industries in southern Ontario has again become rampant. Many workers are being victimized to the extent of \$1,000 a year because these in-plant bookies extend credit to their victims until they get in too deep. Then they must steal and deprive their families to pay off these—they call them crooks; I call them bookies.

This was the resolution presented to the party over the weekend. I had occasion to discuss it with a number of members who work in large industries—be it in Oshawa; be it in Oakville; be it in Windsor or be it in large enterprises like you have in Sudbury. I think I discussed it with people from every one of these areas and they all mentioned, I must admit I was not aware of it, that apparently it is picking up again. They were extremely concerned.

I was given a situation in Oshawa where apparently one of the individuals on the assembly line apparently went into debt with the bookies to the tune of something like about \$3,000. Then he received threats to his life and limb about paying off this debt. It so concerned his wife that she had to go out and borrow to pay off his debts. Apparently this is a situation which is becoming more prevalent.

Younger members of the union mentioned that there is a lot of drugs floating around as well in some of these industries. There is trafficking going on and I would think this is something we should look at because they suspect that although a lot of the people who may be playing bookie or selling off a bit of hash may appear innocuous enough or appear to be members of the union, behind them, one or two steps removed, there is the suspicion there might be organized crime. The market is limitless when you get into large industries like this. It is of great concern and I think this problem should be looked at very closely in some of these larger industries.

Mr. Chairman, these are basically the comments I wanted to make. As I say, it is a pot-pourri of different topics which are of concern.

I would like to ask one question of the minister. This new forensic tower you are building, are the services of this centre available only to agencies of the government or agencies to do with the administration of justice? Or are they available as well to a defence counsel who wants to get certain information or wants to get something tested and to members of the public who are concerned about a particular thing? Are the services of this forensic centre available to them because in my opinion they should be. After all, it is put up there with the taxpayers' funds and it should be—

Hon. Mr. Kerr: It is, yes.

Mr. Roy: It is? My impression was that sometimes—

Hon. Mr. Kerr: It is usually sent to the Crown attorney and the Crown attorney then—

Mr. Lawlor: The defence counsel can get it, too; they don't admit the general public.

Mr. Roy: My information had been that defence counsel has to twist the arm of the Crown attorney to get him to get it but that it was not available, let's say, to someone who did not have this route through defence counsel or through Crown attorneys. When we put up centres where we get involved in and do specific or very specialized type of work like this, it should be available as much as possible to the public.

Mr. Chairman, these are all the comments I have to make at this time and I thank you for the opportunity of replying to the minister's statement.

Mr. Chairman: Thank you, Mr. Roy. Mr. Lawlor, you have an opening statement to make?

Mr. Lawlor: It is very difficult to say, in the case of such a fledgling ministry, still dangling wet from the womb, so to speak, and having to have life spanked into its lungs, that it is supernumerary; that it ought to be retired because of old age. Such is my initial hoary comment. It is hoary because, despite the fact the ministry has only been in existence, as has been mentioned, as often as these estimates have been before us I am not going to be too harsh on that aspect this year, however.

The basic proposition my party would put forward with respect to the Solicitor General is that it is an unnecessary ministry designed by that horrendous group which gave us those reports, particularly report No.

3, establishing it and bringing it into existence. It's simply a question of logic, of the nice disposition of affairs, and the hewing off of the Solicitor Generalship from the Attorney Generalship ought not to have taken place. Mr. Wishart handled both of them, I felt, with great adroitness and due care, and my very strong feeling is that the Ontario Police Commission do the bulk of the work. The burden falls on them. They have overseership. They carry the load. The ministry itself, on the other hand, is sort of an unnecessary appendage. I suppose the minister now works in greater rapport with that group and with police bodies throughout the province than perhaps was previously the case, but the question then devolves upon whether that really is necessary. And I am afraid that our good friend, George Kerr, has a passion for getting himself into completely otiose and useless ministries. I think he probably thinks he has graduated from superminister to this portfolio.

**Mr. Roy:** You were promoted backwards, George.

**Mr. Lawlor:** He was promoted back to the beginning. This particular year, I am not going to be harsh on that particular point and advocate the abolition of the ministry and then move for the reduction of the vote to \$1, as would normally be the case and quite justifiably so.

**Mr. Haggerty:** We can vote 50 cents, Pat.

**Mr. Lawlor:** The reason for that is because we have before us an elaborate report on which an enormous amount of work has been done and which contains dozens of recommendations. I didn't count them all up; they are under the (a), (b), (c), (d) and (e) type of thing.

But if the minister's purpose and his only justification for existence is to move ahead with that report, to implement it and bring those things into being, then I think he probably will be fairly occupied in the next few months and we can anticipate a veritable cataclysm of various bills passing through the Legislature, promoting the cause in what is fundamentally a very sound and a very humane report, and I commend the people who did the report in the general dimensions of what they have done.

I am not going to take a great deal of time at the opening of these estimates to make a statement. I have a few things to say, and somehow they go on. Mr. Chairman, with your indulgence, I intend to make a far more elaborate statement when we reach

the first vote, the major portion of which has to do with this police report and the various interstices and recommendations arising out of that particular report.

I would like to commend to the minister—he may not be aware of it—what his superior minister did when he brought in his estimates about two weeks ago. If you have seen his red book, which is taken out of your black book—this document here—you'll have noticed he gives a breakdown in some elaboration of the very information that you possess before you with respect to staff information, functions, breakdowns, references back to previous estimates, amounts of money spent—a whole host of very beneficial information which curiously enough, I think, effectively cut down the time taken on the estimates of the Attorney General (Mr. Welch) this year and got us to the point with far greater perspicience than we were able to do before. You really get considerable insight—

**Mr. Roy:** The place you put the report is not a reflection of what you think of it, is it?

**Mr. Lawlor:** No, this is the second copy. My other copy is framed for viewing.

I would recommend to you, Mr. Minister, that you take a look at that particular method of approach, particularly in the Justice estimates, and I think you will find it very beneficial for all concerned, yourself included.

I do take some umbrage with the fact that the last annual report of your ministry that I have before me is the report for the year 1972. Now, you have sought to make amends today by bringing in, at the last moment, a rather elaborate report covering some of the aspects that would be covered in statistical detail in your normal report. When you reply, I would like you to indicate to us when you think that this report should be available.

You well know, as a minister of the Crown, that you are under some obligation, I would think, to have your report in our hands at least a few days before we launch into these estimates so that we may give them the kind of surveillance they sometimes deserve. I am most anxious, before we get into estimates year after year, that this report, which is a succinct and very helpful document indeed, be placed in our hands so that we may get the total picture and the survey of what has happened for the past year.

If you look in the public accounts for Ontario, of course, the latest accounts showing what you've actually expended on any number of items under your whole estimates,

they just don't exist, because the public accounts, of course, lag about 18 months to two years behind. I went through them the other night with a view to extracting some useful—and, I hope, embarrassing—information, but to the gratification of the government it was not forthcoming, because they're not printed. Again, it's aggravating to have to perform a certain function—being paid by the taxpayer for doing so—and to be unable to do it through a deficiency of information.

I want to say to the minister who has plenary control, basic control over the police forces of Ontario—and this is taken care of to some great extent in the police report—there are many kinds of violence in the world. The violence, by and large, does not necessarily always proceed from the citizen, and those who are violent citizens may have cause, in certain circumstances, to be so. The most radical violence, and the one that is never talked about, is something which is called systemic violence, the violence inherent in the system.

Every system, in order to fortify itself, in order to perpetuate its existence, good, bad or indifferent, erects into its internal folds all kinds of coercive measures which are conservative in the pejorative sense of that word—not in the sense of the red Conservatives of Ontario, but in the sense of simply digging one's heels in, standing pat and refusing change and being protective of the status quo and saying exactly what is and what has been for a long time somehow sacrosanct and mustn't be upset, and that it will be defended at all costs and against all odds.

That particular kind of violence is the type of thing that innumerable numbers of our citizens are finding more and more onerous in our society. It is one which they can't articulate and on which they're not quite sure where to put their finger.

But the police forces and quite a number of other groups, including government ministries, are part of that covert system of suppression, oppression, impositions, and what not. It's built into the system and it is something endemic to every institution and is the fault of institutions, however beneficent they may be in other regards, and which the Solicitor General of this province must defend against and seek to alleviate it in every human way possible.

Again, the beneficence of the report on the police takes that into cognizance and, as a matter of fact, it is one of the driving forces or prime motivations in the coming

into being of the report, and therefore I bless it in having come to be and to pass.

Very little in your recent statement this afternoon was directed toward organized crime. Organized crime is a very strange thing in this province—we hear of the recrudescence of it, it emerges its ugly head here and there—but we can never put our finger on it or particularly stigmatize it for what is is, its prevalence, its depth, or—

Mr. J. E. Stokes (Thunder Bay): We're not even supposed to mention it.

Mr. Lawlor: Part of the reason, of course, is the inherent secrecy that perforce you are up against in dealing with the thing, so that legislators and any of the people who are concerned in the way of modifying the system of directing it on to that crime are precluded in a sense, and this committee is precluded to a very considerable extent in getting an insight into its ramifications and very existence.

It suits, of course, governmental purposes down to the ground to deny that it exists, at least in any very overt form in this province. That truckles to and places medallions on you, that such should be the case, if such is the case. We just have enough of it percolating through, and enough newspaper comments in a diversity of fields about it to know that it is extant. The point and degree of its extent is a matter which I think in the course of these estimates we should try, within the limits of tolerance, to extract from you during the course of the estimates.

Secondly, your report today was terribly disappointing in that you didn't advert in any way to what is taken by this report to be a matter of critical importance. This report says that we have on our plates at the present time a crisis in police services in Ontario, and that as we go into the next few years toward 1980 it's going to get a good deal worse. As a matter of fact, there is a kind of feeling throughout the report that they are not very desperate and don't know quite how to contend with it. If your position is that you are bland in face of this sort of statement, that you don't think that the crisis exists, then so be it.

But let's take a look at what is said. It's almost as bad as the statements that launched the Smith commission. The Smith commission inquiry into the taxation resources of this province was precisely arrogated on to the same propositions as this report. And let's take a look at 108:

Expenditures for Ontario policing services have escalated dramatically from

1968 to 1972. Total costs have risen from \$125,603,068 to \$229,300,000 in 1972. This represents an increase of 82.5 per cent (a compounded yearly increase of 16.4 per cent). [Why, that's even running ahead of the inflationary spiral which you do absolutely nothing about. The incredible increased]. Expenditures for municipal police services have risen proportionately higher than expenditures for the Ontario Provincial Police.

During the time period 1968 through 1972, municipal police expenditures rose 85.8 per cent, a compound yearly increase of 16.8 per cent, and Ontario police expenditures rose 75.1 per cent, a compound yearly increase of 15.3. This dramatic increase in the cost of policing services has applied to all types of municipalities.

And then they go into the reasons for cost escalation, fundamentally having to do with salary increases within the police forces, and they are just puzzling all the way through as to what the solution to this particular difficulty is.

The above analysis indicates that at least 90 per cent of the escalation in municipal policing expenditures from 1968 to 1972 relates to personnel factors. The first is in the increase in salary, overtime payments, fringe and pension benefits; secondly, in the increase in the number of police officers, both to coincide with the increase in population and to increase the number of police officers per 1,000 of population.

And then over further, under "A Potential Crisis in Financing Policing Services," there are a number of paragraphs which the minister is well aware of, I am sure, and I won't go very deeply into the matter except to indicate what it says at the bottom of 110:

In order to explore the implications of this potential financial crisis, the task force projected current trends and policing expenditures to 1980, and compared this projection to a similar analysis of police expenditures with the imposition of economic constraints. This comparison suggests that by 1980 policing costs would exceed the taxpayers' ability to pay for the services by at least \$55 million. If this \$55 million were converted into the number of constables, Ontario municipal police forces would be short of their requirements in excess of 2,000 constables by 1980. That's the proportion and degree and the seriousness of the matter which we face.

Now, they give a number of things which may possibly be done. They don't recommend that there be any massive new funding by government, that the tax roll increase at all in this regard, so if they are going to be held within the economic constraints of the situation, we are obviously going to have to do with these fewer constables. So what the genesis, the driving power, of the report says, "Yes, let's maximize. Let's make the full potential of constable services available. Let's have an educational set-up which will have the effect of making the potency full."

Besides that, the whole plethora of services which they presently perform, many things which they are presently doing, ought not to be done by the police forces at all. Role after role should be taken away from them. Oh, I forget the page—there is a note here somewhere—but as I recall, the role of the police officer in the courtroom is one of them. Their role with respect to certain community benefits, for instance, having to do with ambulance services and that sort of thing is felt not to be proper. There are about 15 or 16 different areas in which constables ought not to be employed and which I would ask you to direct your attention to alleviating them from as you approach the crisis that's indicated here.

The Task Force on Policing in Ontario highlights a statement which was issued to all members of this House at an earlier time and runs through a series of recommendations. I wrote down 12 different recommendations, one of them being the new constable-centred management, which I shall deal with at length, I trust, if I still have the strength. Having gone through three sets of estimates in the last month, I am beginning to wilt a bit under the strain.

Other recommendations were for better community resources for referral and public education, a spinoff of duties to more appropriate and less costly agencies and problems of rationalization of police forces in Ontario. The reduction of the police forces from 179 determinate areas down to 30 is one of the recommendations that we have before us, and setting up certain new offices, such as a director of a police research and information office to contend with and face this problem head on.

Whether what they propose will actually have the desired effect or whether you are going to have to give an expanded role to the police in terms of money—which I believe you are going to have to prepare to do, no matter what, because over against those recommendations they are seeking to employ

officers and recruit officers on to the force with different types of educational requirements, with a wider range, people working into the ethnic communities of that type of ethnic origin, and performing on a constable-oriented system a great range of services, a great range of deeply communal involvement which the police presently do up to a point, but which in the report recommendation becomes their primary or at least a predominant task. In other words, there is a shift in the emphasis to what the police will be basically asked to do in the future.

Of the six major things that the report sets out only two have to do with the classic notion of policing; all the rest are community involvement matters, such as setting up communal lines with youth, being far more present in the community—better seen—more educational programme, and a sense of coming into contact with a wider range of the public. Surely that is going to involve more policemen and more men with higher qualifications, and in that regard I think that when they turn to the public benefits and the new policemen that they envisage, to create this new constable, I think this is what my colleague, the member for Riverdale (Mr. Renwick), and I have long advocated in this House. Therefore, the report warms our hearts because you know Hale didn't indicate to you why, I think, that there ought to be a reorientation completely in this particular regard.

Now where the police report is defective, and I am not going to go into it when I reach the report, although later on in the estimates I may have to come back to it—it has been mentioned by Mr. Roy—is on the question of police commissions. The report is defective in this regard, in my opinion. It is the one sore spot in the report. The majority, as the minister knows, has recommended the retention of county court judges on these police commissions. We have long railed against it for many reasons.

As the prime ground for the existence of this ministry, the creation of the Ministry of the Solicitor General embraced several fundamental principles. The first was that under the previous structure the responsibility of the Attorney General for law enforcement had an appearance of conflict with his responsibility for the prosecution of offenders and the administration of justice. That is the No. 1 reason for you being here in this particular capacity.

Don't you think there is somewhat more than an appearance of a conflict of interest with a judge sitting on these boards? Why

year after year must we flay this stinking horse? It is not Secretariat we are beating.

Why would judges do it? For the little extra stipend they get for sitting on commissions? It is kind of manna from heaven I suppose under certain circumstances, but we have recently increased their salaries. They are getting in excess of \$30,000 a year to be judges and, in my book, the role of the judge is nothing as compared to the afflictions we suffer from being members of the Legislature. We don't derive anywhere close to that kind of money. Why would they want, as a benefice over and above that, to derive this other stipend? It is not really acting as a deprivation by removing them from this particular position. Some of them will no doubt take umbrage at the loss of the extra money that is involved in performing this function.

Arthur Maloney, as you know, and three minority reports arising out of the commission have taken the issue, argued the case with Maloney's usual type of eloquence and made the point for me. It is all there to be read. When you get voices like that being raised I would think that you ought to disregard that majority thing and move in this particular area.

I think those are the major things. All the other matters which have come up in other addresses here today can be handled seriatim under the several definite votes, and I think we should get launched on that progress.

**Mr. Chairman:** Thank you, Mr. Lawlor.

**Mr. Minister,** would you care to respond to the remarks of Mr. Roy and Mr. Lawlor?

**Hon. Mr. Kerr:** Yes, Mr. Chairman. Mr. Roy started out by indicating that when we were answering questions in the House, whether it was a question on laundering of money or bookmaking or what have you, the answers indicated that we were aware of what was going on. I might say the Hon. Mr. Lawlor as well had indicated—

**Mr. Lawlor:** I am not honourable yet.

**Hon. Mr. Kerr:** I am sorry, I should say the hon. member for Lakeshore.

**Mr. Lawlor:** I shall not arise to that level.

**Hon. Mr. Kerr:** He referred to the question of organized crime and the fact that we sometimes shy away from discussing it, we shy away from any detailed answers and we seem to try to avoid discussing the whole problem. I think it is fair to say that there will be more discussion on this problem, and probably more publicity as a result of it

It exists in Ontario. Naturally it exists in any large metropolitan area of any city, I would say, on this continent. It is a subject of continuous investigation by our law enforcement agencies, by our intelligence people, by our information people and by the organizations that we have set up to deal jointly with other forces, as for example, our joint forces operation that goes on in the various cities in this province where there is that problem.

There is no attempt by anyone in the ministry to pass the buck to Ottawa. The particular legislation that was introduced by the hon. member for High Park dealing with laundering, we feel, is in pith and substance criminal law and, therefore, ultra vires of the province. I personally indicated that to him before he introduced his bill. We reviewed his legislation. It is a very difficult area to enforce because of the very nature of the activity. However, we feel that by an amendment to the Criminal Code—or by an amendment to an existing section in the Criminal Code—we could deal more effectively with it and it would have the same effect as the member for High Park is very sincerely attempting to create, of making it known that it is an illegal activity in this country; and those so-called reputable investment firms which appear to be involved will know they are breaking the law.

As I say, organized crime is a subject which has the attention of the Ontario Police Commission, the OPP and other police forces and agencies which are operating in this province on a continuous basis. There are men and women who have nothing else to do but to be part of an investigative organization with the idea of minimizing and, where possible, eliminating activities such as bookmaking, drug trafficking, gambling of all sorts, prostitution, all those activities which are usually part and parcel of the activities of organized criminals.

I think that when I am asked a question about this in the House I indicate that the law enforcement agencies which are under the Solicitor General's ministry have passed this information on to me. They have told me the extent of their investigations, where the problems are, what legislation could be amended to assist them and, of course, that is why I try to keep on top of it as much as possible. But it is a problem. The whole problem of white collar crime, also seems to be of a more insidious nature and therefore requires our constant surveillance and concern.

I think it is fair to say that organized crime has not the foothold in this province

that it has in many other jurisdictions and this could be for a number of reasons. I think one is that we have a well-paid well-trained police force in this province. Those people who are involved with our law enforcement agencies are honest people who have a desire to do a good job and who are not subject to corruption or all the other pressures which may exist from sources of organized crime.

The member for Ottawa East, I believe, discussed the whole matter of pinball machines and the fact that in certain areas of the province police forces are enforcing the provisions of the Criminal Code. Frankly, this is not something which I feel is of an urgent nature or a criminal activity which requires the full emphasis of our local or provincial police.

However, he mentioned the fact that raids seem to be undertaken on a selective basis. The fact is in some areas, particularly in the Kitchener area, and to some extent in the Ottawa area, the police are acting as a result of complaints. And where there is a possibility that there is a breach of the Criminal Code and a person is, in fact, operating a common gaming-house, I suppose the police really in the exercise of their duty, have to carry out the raids. If, in fact, the equipment is an illegal piece of equipment, such as a game of chance as defined under the code, the law has to be carried out.

Now, as the hon. member has said, there has been some indication from Ottawa that the code is to be amended, and I think you will agree that sometimes amending legislation takes time in Ottawa. I have not had, in my correspondence with the Attorney General, any definite commitment that this will be done. There hasn't been any draft legislation or the introduction of a bill, omnibus or otherwise, that indicates that the code will be amended.

**Mr. E. Sargent (Grey-Bruce):** Mr. Chairman, would the minister answer a question there?

**Mr. Chairman:** I wonder if he could complete his remarks first? Carry on, Mr. Minister.

**Hon. Mr. Kerr:** As I say, there is no indication that this is to be done. I frankly think that the law should be certainly looked at. So there are anomalies. If, in fact, this equipment is not illegal, then there certainly should be some clarification at least of the present provision of the code.

However, I might just make one comment. I think that if one of these cases—particularly

where there is a charge of keeping a common gaming-house resulting from the operation of pinball machines—if one of these cases could go to court, rather than have just a show cause hearing, and we could have a decision, I think this would help clear the air to a great extent in the event that there is really no plan to amend the code.

The hon. member talked about wiretapping and the fact that this law, I believe, will become effective by the middle of June, and indicated that it should be the Solicitor General not the Attorney General who should be making application to a judge for authorization to use this equipment.

I might say, in all frankness, there has been a continuing discussion within the Justice policy field about this fact. However, the fact is that the legislation specifically mentions the Attorney General. I believe my predecessor made submissions to Mr. Lang suggesting that a provision be made that where a Solicitor General exists in a province, that that person should be the person who would make the necessary applications to the court as the enforcement agency.

However, the federal minister has not chosen to amend the legislation. And as the hon. members know, the Attorney General, Mr. Lang, had a great deal of trouble with that legislation. I suppose he felt another amendment would further delay the passage of the bill.

Both opposition critics dealt with the question of judges on police commissions. They have no doubt read the task force recommendation. One of the—

**Mr. Lawlor:** I only read minority reports.

**Hon. Mr. Kerr:** Yes. One of the recommendations, I believe, is to increase the membership of police commissions from three to five. And of that membership there would be two elected persons on the commission, two appointed by the Lieutenant Governor in Council who would in all respects be citizen members, and that the fifth member be a county court or district judge. This is one area where I would have some query as to who that—

**Mr. Haggerty:** Surely there should be separation from the administration of justice and this particular item here? How do you deal out justice?

**Hon. Mr. Kerr:** Well, I would like to deal a little later with this particular point. But I think that the majority report had indicated that only about four per cent of those judges

who sit on police commissions were involved with appeals from the provincial court where there could be considered some degree of conflict.

Now, I am on record as favouring the prohibition of judges on police commissions. But I may say that I am playing to some degree the devil's advocate here in attempting to explain the majority decision in that there was a feeling, I am told by members of the task force, around the province, particularly in smaller areas of the province, that judges would have the respect and knowledge to sit on a commission which may be otherwise lacking in many areas. In other words, I suppose his knowledge of the law, for example, would be the most important aspect.

**Mr. Haggerty:** Well, for example, in the Niagara region you have a judge and a lawyer—

**Mr. Chairman:** I wonder, Mr. Haggerty, if Mr. Kerr could finish his remarks—

**Hon. Mr. Kerr:** I don't want to get into an argument about it—

**Mr. Chairman:** We will be dealing with the Task Force on Policing in Ontario under item 3, and we could probably get into it there in some detail. Would you carry on, Mr. Kerr?

**Hon. Mr. Kerr:** I might say, regarding the point raised by the hon. member for Ottawa East—

**Mr. Sargent:** The chairman is a tough old man. He is drunk with power.

**Hon. Mr. Kerr:** —about the situation where there is an application to a county court judge, for example for a police wiretap that he could be the same judge who sits on a police commission is of course a very valid point.

**Mr. Haggerty:** Very serious matter.

**Hon. Mr. Kerr:** Whether or not, in a situation like that, that particular judge would be exempt from hearing those applications, is something that could be possible—or whether he would declare that he was not able to hear such applications and would not hear such applications because of his role on the police commission.

This was the type of argument that was made to the task force. Mr. Maloney's suggestion, for example, was that judges who are on police commissions should be those

people who would act as a member of a commission in an area other than a jurisdiction in which they would sit as a county court or district judge. That was a minority position taken by Mr. Maloney.

**Mr. Sargent:** Who are the two locally elected people? Are they locally elected people?

**Hon. Mr. Kerr:** Yes, usually council members. But these are points that we will discuss as we go along.

**Mr. Sargent:** Who are the two appointed by the Lieutenant Governor? Who are they?

**Hon. Mr. Kerr:** Well, they would usually be two local citizens.

**Mr. Sargent:** Appointed by the Lieutenant Governor?

**Hon. Mr. Kerr:** They are really appointed by the cabinet, by the Lieutenant Governor in Council.

**Mr. Sargent:** The machine still works then?

**Hon. Mr. Kerr:** What do you mean, "the machine"?

**Mr. Sargent:** Well, the government would appoint government appointees.

**Hon. Mr. Kerr:** Yes, but they would be representatives of the people.

**Mr. Sargent:** They would represent the government—and they aren't the people.

**Mr. Chairman:** Would you carry on with your response, Mr. Minister?

**Mr. Lawlor:** They are representatives of the Tory people.

**Mr. Haggerty:** Never, Pat. That would never happen. You know that.

**Mr. Sargent:** You can't beat city hall.

**Hon. Mr. Kerr:** The whole question of police records is a good point. I think, for example; I can make the unequivocal statement that any person has the right to see any police record that he feels may be in existence about him. That should be made available to that person at any reasonable time. In other words, if it is wrong in any way, there should be an opportunity to correct it.

**Mr. Sargent:** Say that again. I missed that.

**Mr. Lawlor:** Why don't you do something about it?

**Hon. Mr. Kerr:** I might say that as far as the Ontario Provincial Police are concerned, it is their policy at the present time to allow anybody who wants to look at his record to have that record made available to him—

**Mr. Sargent:** How does the public know that?

**Hon. Mr. Kerr:** Well, I am making a statement here. Certainly the rank and file of the OPP are made aware of that. Those in command at the various detachments are aware of that. That has been an edict that has been issued by the commissioner. So if there is any question that a person has in his mind that a record is wrong and is in any way being distributed to private agencies or otherwise, that can be corrected.

On the question of the Identification of Criminals Act, where a person is charged with an indictable offence and his prints and a photograph are taken, the problem is there are some situations where a person may be charged with an offence where there is an election, either summarily or by way of indictable offence. Where they proceed summarily, there is no need for prints and a photograph, but usually those are taken before the hearing and therefore that is why that problem arises. Certainly where there is a conviction summarily, the prints and photograph should be destroyed. As I said in my statement—

**Mr. Lawlor:** He is a fair-minded guy.

**Mr. Stokes:** Did you say "should" or "will"?

**Hon. Mr. Kerr:** Should be. But remember, I don't want to be accused of passing the buck—the Identification of Criminals Act is a federal statute. I can say now that I would request the commissioner of the OPP in those circumstances that those records be destroyed and I think the OPC could so advise all the various municipal forces.

**Mr. Sargent:** Is the minister talking?

**Mr. Stokes:** Sure, it is the minister.

**Mr. Sargent:** Will this be part and parcel—

**Hon. Mr. Kerr:** Yes, that has really been done. There is an understanding on that.

**Mr. Sargent:** Are you going to amend the laws?

**Hon. Mr. Kerr:** Well, no, but you see there is no requirement right now, with a person who is convicted on a summary conviction, which is a little less serious than an indictable

offence, for the police to take fingerprints or photographs. There is certainly no requirement to keep those if a person is acquitted of that offence. I have asked to make sure in those cases that the prints and photographs are given up to the accused person who has been acquitted, or they are to be destroyed.

Coroner's jurors—\$6 a day is not enough money. Now, can I leave it at that?

**Mr. Haggerty:** No.

**Mrs. Campbell:** No, we have been through it with the Attorney General.

**Hon. Mr. Kerr:** We are looking at about \$20 a day with some expenses for meals. That's a little better than any other province. It's not bad.

**Mr. Lawlor:** A lot better.

**Mr. Haggerty:** Well, it depends on what your income is.

**Hon. Mr. Kerr:** I think there may have to be a maximum amount for food, like \$3.50 or something for three meals. Outside of that—

**Mr. Chairman:** It is a much better commitment than—

**Mrs. Campbell:** Than we had from the Attorney General.

**Mr. Chairman:** —we had from the Attorney General.

**Hon. Mr. Kerr:** Of course, it wasn't his area really. I can do this by regulation. I just realized that a couple of months ago.

**Mr. Haggerty:** But jury duty is in his area.

**Mr. Chairman:** It was a question of juries.

**Hon. Mr. Kerr:** He was talking about ordinary jurors.

**Mrs. Campbell:** Don't say anything. Let him find out.

**An hon. member:** Don't spoil it.

**Mr. Sargent:** Why don't you make it the same as county councillors get? It's as important.

**Hon. Mr. Kerr:** They get \$75 a day.

**Mr. Sargent:** No, \$30. You are talking about Macaulay—\$75 an hour. Twenty dollars a day isn't enough money.

**Hon. Mr. Kerr:** Is enough?

**Mr. Sargent:** It's not enough.

**Hon. Mr. Kerr:** Well, it's quite an increase from \$6 to \$20. I have only got so much money, you know. Plus expenses.

Bilingual officers—the hon. member for Ottawa East mentioned that. The task force deals with it. There will be improvements in that area. The task force lists specific areas where there should be bilingual officers. This will be done, of course, and will have to be done in a staged programme and as recruits are available.

About six per cent of the force now is bilingual. We are also attempting to recruit men and women from minority groups in areas where there are those minority groups—in other words, to have the force as representative of the community as possible, in line, as I say, with the recommendations of the task force. I think that's one of the reasons why there were certain changes and more flexibility in the report regarding education. It seems to me, I think, that the formal education grade was recommended to be grade 10 rather than grade 12, to be supplemented with other types of training. This will help, I would think, many of the minority groups.

**Mr. Sargent:** You are back, then, to the \$20 a day business?

**Hon. Mr. Kerr:** I knew I shouldn't have mentioned it.

**Mr. Sargent:** A member of the committee gets \$50 a day in this Legislature.

**Hon. Mr. Kerr:** You are not getting an extra \$50 today, are you?

**Mr. Sargent:** I never took a nickel in my life from this government on a committee; I don't believe in it. I think it is wrong that you ask a citizen to leave his job, his business, to work for \$20 a day. It is criminal. That is less than \$2 an hour, the minimum wage. Give him the same as a member of Parliament gets on a committee because he is meting out justice.

**Hon. Mr. Kerr:** I think the—

**Mr. Sargent:** That's wrong.

**Hon. Mr. Kerr:** —the Attorney General made some remark about the question of civic duty. Everyone has a particular duty to assist in the administration of justice. It is not a wage or a payment to them—

**Mr. Sargent:** It should not be a penalty, though.

**Hon. Mr. Kerr:** —to be considered really as making money, for example. In many cases, particularly for wage earners and people working in plants and on an hourly wage, that continues. It did in Sudbury, for example. The only person who suffered up there—and I admit he suffered—was a proprietor who had a business of his own. Because of his having to be away from that business so long, and because the business lost money because he wasn't there, he suffered.

**Mr. Sargent:** That's right.

**Hon. Mr. Kerr:** But on the whole people don't lose their normal wage.

**Mr. Sargent:** What category—

**Mrs. Campbell:** The hourly-rated person does.

**Hon. Mr. Kerr:** He shouldn't.

**Mr. Haggerty:** He does. You are basing it on what they would get if they were receiving unemployment insurance; \$100 maximum if it is five days. But he has to have an income of \$165 to \$170 to get that \$100.

**Hon. Mr. Kerr:** Leave it with us. I think, for example—

**Mr. Haggerty:** What about mileage?

**Hon. Mr. Kerr:** Yes, mileage is included and expenses.

**Mr. Haggerty:** And expenses?

**Hon. Mr. Kerr:** Yes.

**Mr. Haggerty:** What type or category of citizens would be called upon to act as a coroner's jury?

**Hon. Mr. Kerr:** Pardon?

**Mr. Haggerty:** What category of citizen would qualify for this?

**Hon. Mr. Kerr:** It could be anybody. If you are on the list—

**Mr. Sargent:** The president of Imperial Oil?

**Mr. Lawlor:** On a point of order—

**Mr. Haggerty:** Jury duty in the court deals with what?

**Mr. Lawlor:** Vote 1205—

**Hon. Mr. Kerr:** I will deal with this later; I am supposed to be answering your colleague. I realize this is a very important item.

**Mr. Lawlor:** Vote 1205 has to do with coroners' investigations.

**Mr. Haggerty:** We have a commitment from you and we want you to continue.

**Mr. Chairman:** As I mentioned earlier, I would appreciate it if we confined the response to the general introductory remarks of the critics. Then we will get into it, item by item.

**Mr. Sargent:** Thank you.

**Hon. Mr. Kerr:** The other point I would like to make—there are one or two more points. The member for Ottawa East made a point regarding the question of policing and the fact that Quebec and Ontario are the only two provinces which have their own provincial forces; other provinces, of course, have the RCMP. As a result of that, Quebec and Ontario have extra costs for policing for their own citizens. Quebec, as the hon. member indicated, did make a submission to the federal Attorney General and to the federal cabinet asking for a rebate based on the costs, either 100 per cent or on a shared basis, of provincial policing.

Naturally, there is no obligation on the part of the federal government to assist in any way. These two provinces decided, or chose, to have their own forces for various good reasons. The RCMP is involved in Quebec and Ontario on various federal matters—for example customs, trafficking in narcotics, certain other federal statutes. But the submission from the Province of Quebec wasn't too warmly received. We supported that submission.

I don't think the talks are continuing talks in any way. As a matter of fact, there was some press comment in Toronto that it was a rather futile exercise. I think that is probably the reason there was a letter to an editor from my predecessor. But in any event, if there is any possibility of obtaining any degree of remuneration or support for our own provincial police, of course we will pursue it.

The hon. member for Lakeshore, I think, again questions the separation of the activities of the Solicitor General from the old AG's department. I think the hon. member will agree that we have grown since those days; those early days of Mr. Wishart's ministry.

**Mr. Lawlor:** My God, you'd think it was a millenium.

**Hon. Mr. Kerr:** When he was Attorney General, there is no question about it, he was the busiest man in the government; he had

the busiest ministry. It was then they created the ministry—

**Mr. Lawlor:** Oh, come on. The member for Chatham-Kent (Mr. McKeough) was dancing up and down while Arthur was sitting there looking at him; come on now.

**Hon. Mr. Kerr:** You are thinking of Darcy in TEIGA, not in Municipal Affairs.

**Mr. Lawlor:** Yes, that's right.

**Hon. Mr. Kerr:** Well, that was later, you see.

**Mr. Stokes:** He was also House leader.

**Hon. Mr. Kerr:** Arthur was—I know. Well, that was after the separation.

**Mr. Lawlor:** That's after the separation.

**Hon. Mr. Kerr:** Yes. So we created the Ministry of Consumer and Commercial Relations, or whatever it was at first. The name was a little different from that. Then came the Solicitor General's ministry.

I think, as the hon. member has indicated, there was a need to separate the law enforcement agencies and safety agencies from the administration of justice, which involves people who have to adjudicate on that enforcement. There is, as the hon. member indicated, an appearance of conflict; and, again, I think it is a question of work load. I don't think it is a job that the OPC can do by themselves. I think as this budget will reveal, there are increases in all agencies and in all branches of the ministry that I think will keep the minister fairly busy.

**Mr. Lawlor:** On Peter's principle.

**Hon. Mr. Kerr:** The hon. member also talked about "systematic violence," the "red Conservatives" of Ontario—

**Mr. Stokes:** I think my colleague meant Parkinson, not Peter.

**Mr. Lawlor:** I meant Peter Parkinson.

**Hon. Mr. Kerr:** There is a certain amount of suppression and oppression that goes on. I think in many respects the task force report could be considered a bill of rights, because if you are going to involve the police more in the community, more with youth—as the hon. member has indicated—the appearance of the police as being sort of a separate entity in the community, in society, will disappear together with the feeling of suppression or oppression that goes, I suppose,

with a uniform, or what could be considered a parliamentary force.

I think if we implement many of the recommendations of the task force report, that feeling will disappear, or certainly will be minimized. There is always the problem, of course, of balancing that with effective law enforcement.

As the hon. member has said, the task force itself pointed out the tremendous expenditures that are to take place over future years, up to 1980, for the operation of our police forces. The task force recommends some solutions. It indicates, as the hon. member said, that it does require massive new funding. It recommends, of course, the amalgamation of smaller forces and a substantial reduction in the number of forces. It also recommends making full use of the potential of the individual constable. He should be doing different things; if you are going to train him better, the type of para-police activities he does now can be done by somebody else—auxiliary police, for example, who are being utilized so well in Ontario. That is why improved communications is so important.

**Mr. Sargent:** What are auxiliary police?

**Hon. Mr. Kerr:** They are citizen police who are trained to do certain particular jobs, not necessarily in the area of crime prevention or anything like that, but traffic control and keeping order at certain events—

**Mr. Sargent:** Where have we got them?

**Mr. Chairman:** That will be dealt with under vote 1504.

**Mr. Lawlor:** That's under item 7 of vote 1504.

**Hon. Mr. Kerr:** I think that is really all I have to say, Mr. Chairman. I think there will be a shift in the emphasis of what the police are asked to do in the future and that by implementing many of the recommendations, there will be more efficient utilization of our forces; and hopefully the cost predicted by the task force will at least level off, if not go down.

**Mr. Chairman:** Thank you, Mr. Minister. Vote 1501, item 1—

**Mr. Lawlor:** Well, Mr. Chairman, with your indulgence, before we launch into the estimates, could I locate certain things and find out where we should discuss them? One of them is the CPIC system, the Canadian Police Information Centre. Where shall we talk about that?

**Hon. Mr. Kerr:** That should be under OPC, I would think, under vote 1503.

**Mr. Lawlor:** The next thing I want to know about is district identification units. Where would they be discussed?

**Hon. Mr. Kerr:** Where do you see that?

**Mr. Lawlor:** Well, I was just reading your report and came across district identification units, and I want to find out about them.

**Hon. Mr. Kerr:** I think that would be under vote 1503 as well.

**Mr. Lawlor:** Vote 1503? And next, where would we discuss security guards and all that stuff?

**Hon. Mr. Kerr:** That would be under vote 1504.

**Mr. Haggerty:** That's "miscellaneous," Pat.

**Mr. Lawlor:** "Miscellaneous." That's the grab-bag section. Finally I want to again discuss police records briefly as they affect provincial legislation. Where would we go into that?

**Hon. Mr. Kerr:** Vote 1504.

On vote 1501:

**Mr. Lawlor:** At the beginning of vote 1501, under main office, there are several points I want to bring forward and—

**Mr. Chairman:** Pardon me. Mrs. Campbell, did you have some comments on item 1?

**Mrs. Campbell:** Yes, I did.

**Mr. Lawlor:** I am sorry.

**Mr. Chairman:** Would you like to proceed, please?

**Mrs. Campbell:** Before I get into it, I want to know where I could respond to the general problem that I see with reference to the way in which the police and the Attorney General's function sometimes appear to overlap. I want to discuss it. Do I discuss it under police before I get to the main office? Or where does the administration come into it?

**Hon. Mr. Kerr:** I think we could discuss it under this vote.

**Mrs. Campbell:** Right. One of my concerns in this general area of this separate ministry is the situation which is alleged—and I believe it is now confirmed—to have existed in the matter of the Artistic strike

situation where, in order to try to follow through the various functions, one became bogged down in trying to departmentalize. For example, you had the activities of the police at the strike, which I understand we can deal with under police. But you have the whole ramifications of a system of police involvement apparently through to the Crown attorneys, and yet when you try to pin it down, it is very difficult to find out where one started and the other left off.

I wonder if the minister could comment as to just exactly how he sees this very close interplay of roles, particularly in a strike such as that. It appears to me that the way in which it was handled is a blight upon our horizon and I think—

**Hon. Mr. Kerr:** I think, Mrs. Campbell—

**Mrs. Campbell:** I should go to police, all right.

**Hon. Mr. Kerr:** Yes. I think 1503. I think probably under the police commission would be the best place.

**Mrs. Campbell:** Right, that is police commission. Then could you tell me, I am very confused I suppose on this first vote, who we are talking about in personnel and what would be their functions? We seem to separate this vote out. I am not asking for individual dollars; I would just like to know how much staff, and what is their area of responsibility.

**Hon. Mr. Kerr:** For example, if you look to the right of page J55—

**Mrs. Campbell:** That's what I am looking at.

**Hon. Mr. Kerr:** —in the main office, there are nine people in that vote. This is besides the minister. There's the deputy minister, one executive assistant to the deputy minister, the minister's driver—

**Mrs. Campbell:** An executive assistant to the deputy minister?

**Hon. Mr. Kerr:** Executive officer, would be better, to the deputy minister. One driver; that's the minister's driver.

**Mrs. Campbell:** Yes.

**Hon. Mr. Kerr:** And six secretarial help, for a total of nine.

**Mrs. Campbell:** Are these all filled?

**Hon. Mr. Kerr:** I believe they are.

**Mrs. Campbell:** Could you just briefly tell me the functions of the deputy and the deputy executive officer in this particular ministry?

**Hon. Mr. Kerr:** There's the deputy and there is the executive officer.

**Mrs. Campbell:** I am sorry. They are handsome gentlemen but I can't tell by looking at them what their function is.

**Hon. Mr. Kerr:** Mr. Brannan, the deputy minister.

**Mr. Brannan:** The deputy minister's function is to direct the activities of the ministry under the overall direction of the minister. We have in our ministry what is called a ministry office. It does not deliver any programmes. It is concerned mainly with the development of policy—the integration of the various functions of the ministry. But we have four main policy, or programme, delivery agencies. One is the division of public safety, which includes the six components; we have the Ontario Police Commission, the Ontario Provincial Police and the Police Arbitration Commission.

**Mrs. Campbell:** How would you function in a case where you see the newspapers involved in something of the nature of this strike? Would you take cognizance of it? Would you try to get some information about it? How do you function in an area like that?

**Mr. Brannan:** In a case of that particular nature, we did refer the matter to the Ontario Police Commission and received information from them.

**Mrs. Campbell:** That ended the matter?

**Mr. Brannan:** No, there were internal discussions held to determine responsibility for the matter.

**Mrs. Campbell:** You then make recommendations to the minister as you see fit?

**Mr. Brannan:** Yes, ma'am.

**Mrs. Campbell:** Well now, do you both take the same function or is there somewhat of a separate function for the deputy executive officer?

**Mr. Brannan:** The executive officer carries out combined functions. He serves the minister as well as me, which brings about greater co-ordination within the office. He attends the Legislature with the minister; he also reviews incoming correspondence for both the minister and me and sees that it goes out

to the agency which would look into the matter.

**Hon. Mr. Kerr:** I think, Mrs. Campbell, you are revolving this around the Artistic strike—

**Mrs. Campbell:** I will get into it. I just want to understand the operation of the main office because, as my friend from Lakeshore has pointed out, I am very concerned about this division. I am not going through the exercise we normally do but it is helpful to me if I understand what the roles are. It seems quite a substantial amount of money which I am prepared to have paid if we are going to get results, but it just disturbs me somewhat at this point. I have nothing further I want to say on that point.

**Mr. Chairman:** Mr. Lawlor?

**Mr. Lawlor:** On the general main office situation I have two or three points I want to raise.

It seems to me, at least as a matter which we should bring up as a moot point in these estimates, that, to put it shortly, your relationship and the relationship of the Ontario Police Commission seems to me to be a very loose relationship, vis-à-vis the various police bodies throughout Ontario and their own specific commissions. You, as Solicitor General, as was the wont of the previous one, use the local police commissions, their methodology of complaints and every other thing as a barrier or as a defence mechanism against attack. You simply say, when it is brought up that there are defects in the operation, "This is not my baby. I leave it in the hands of the local police commission to handle these matters as they see fit. I am not going to be answerable for their particular machinations."

Therefore, about 50 per cent of your jurisdiction, or what I consider your responsibility, is delegated in a very categorical way. I think there ought to be closer liaison; I think you ought to be more directly responsible for the whole operation of the police in Ontario. I think you will eventually come to that just as the Attorney General feels it is mandatory upon him, against great opposition, to move into the area of the courts and to take over the administrative responsibilities because they are being very maladministered at the moment.

**Mr. Haggerty:** You are not suggesting a police state are you?

**Mr. Lawlor:** Then, even at that stage—you can hear what I am suggesting—

**Mr. Haggerty:** Yes, I do; a police state.

**Mr. Stokes:** You are listening with your mouth again.

**Mr. Lawlor:** I think you have the final responsibility in this. The police state concept can rise in a far more condign form and be far more oppressive to citizens if allowed to operate in an uncontrolled and irresponsible manner vis-à-vis the very people who are elected at the provincial level to have some kind of say or some kind of role with respect to their superintendence. That is one of my objections to your present role and function; you are not sufficiently involved.

**Hon. Mr. Kerr:** I have just a comment on that. It surprises me to some extent—I suppose because I have been in this office for such a short time—that, for example, there is very close liaison between the Ontario Police Commission and my office.

**Mr. Lawlor:** I wouldn't doubt that.

**Hon. Mr. Kerr:** There is continuous consultation, meetings and almost daily contact, certainly with one or other members of the commission. I agree with the member there should be closer liaison between the minister and police forces. I was of the impression that there was close liaison between the OPC and the local forces.

Now, I suppose in the area of salary negotiations, local police commissions certainly perform a very important function, but as far as the training of the police, the discipline of the police and various activities, such as police communications, I was under the impression that there was quite close liaison between the local forces and Queen's Park. But if that isn't so, I agree with the hon. member that the primary responsibility of this office is the operation of the police and the daily involvement. I think that the political arm has a responsibility in that area.

**Mr. Lawlor:** Well, the Ontario Police Commission, as I understand it—and correct me if I'm wrong—as to the lines of communications, is largely a consultation body. It sends inspectors in and it looks at the situation vis-à-vis the local police forces probably about once or twice a year, as I read the reports. But as far as an ongoing, very deep interrelationship, an enormous amount of self-determination is allowed at that level—both with respect to discipline and with respect to the operation of that force. It does make for uniformity on one side, or for a general regularization of the operations of

the police vis-à-vis the citizen. I feel that there's something defective in that, and I think it is a hangover from an earlier day in which you haven't moved into the situation.

**Mr. Chairman:** Mr. Lawlor, does that complete your remarks on item 1? I see Mr. Stokes has some remarks or a question on item 1.

**Mr. Lawlor:** Yes.

**Mr. Roy:** Could I make a comment before he gets off that particular topic? I'm surprised that the minister said that he—I shouldn't be surprised, I suppose, because you're new in the ministry; but I felt the same way as the hon. member for Lakeshore, and I didn't hear the comments by the hon. member for St. George—but there was the feeling all the time that if we asked a question about a particular police force, the minister somehow got the answer and everything, but if there was a wrong to be corrected, there was not very much he could do about it. You were left with answering questions in the House very often—which your predecessor did or other ministers did. But I always had the same feeling as the hon. member for Lakeshore, that if it wasn't corrected to your satisfaction there wasn't a hell of a lot you could do about it. You just left it there.

**Mr. Lawlor:** He hides behind it.

**Mrs. Campbell:** That's right.

**Mr. Roy:** You know, it's something that always bothered me. First of all, having set up a Solicitor General as a ministry you would have thought there would be more control over what is going on; and that if some issue was important enough you could, through your Ontario Police Commission or your police commission here, intervene and give a sense of direction. I don't get that feeling at all. In fact, I want to ask if there are ever times when the Ontario Police Commission has intervened?

**Hon. Mr. Kerr:** We should be sticking to this vote.

**Mr. Roy:** Pardon me?

**Hon. Mr. Kerr:** We should be sticking to this vote.

**Mr. Roy:** Well, possibly I—

**Mrs. Campbell:** Well, what else— isn't this the function in the main office?

**Mr. Haggerty:** It's policy.

Hon. Mr. Kerr: All right.

Mr. Roy: I just wonder—

Mrs. Campbell: And it's the programme administration in the next vote.

Mr. Roy: Are there occasions when the Ontario Police Commission intervenes and tells a local police commission what it should be doing? Or do they even go in to investigate a situation which might become too hot—let's say a local matter where there might be a conflict?

I always had the feeling you would answer in the House, but there was nothing you could do about it really. It was just a matter that decisions were made and you just accepted them. I think it's a real problem.

Hon. Mr. Kerr: Well, I have to look at the Police Act and legislation. The local police commission has certain responsibilities.

Mr. Roy: Yes.

Hon. Mr. Kerr: The OPC has certain responsibilities. For example, if you're dealing in the area of disciplining police officers in a municipal force that is basically the responsibility of the local police commission. If there is some dissatisfaction with the way the local commission handled a certain matter dealing with the conduct of a police officer, certainly the OPC can intervene. The OPC, for example, can suggest that a public inquiry under the Public Inquiries Act be set up and that there be a formal inquiry. That has to be by way of complaint from the person who was in some way aggrieved. That's the route they can take.

In the meantime, without looking at the formal structure, I was always of the impression that there was enough co-operation between local forces and the OPC, because of the assistance and direction normally given by OPC to various municipal forces in areas such as that, that usually things were resolved. In most cases, things were resolved satisfactorily.

If you have some particular cases, of course, I can look at them, but I don't think there is any attempt to hide situations of that kind. This is a very delicate area where a police officer is criticized for his conduct. Certainly there is an examination within his own force first. The chief deals with it in most cases, but depending on the seriousness of the conduct or the accusation it goes right to the top.

Mrs. Campbell: Excuse me just for a moment. What about a situation when you are

not talking about a member of a police force but you are talking about a situation which involves police activity, which to me is a different matter? We've heard that in this one case they discussed the matter. Presumably they did nothing about it and yet the—

Hon. Mr. Kerr: You mean in the Artistic situation?

Mrs. Campbell: Yes.

Hon. Mr. Kerr: This was before my time but I am sure that the police are made aware of the fact that when they are involved in maintaining peace and order on a picket line they have certain responsibilities. They are not to give the impression they are taking sides. They are to prevent injury and bloodshed around that plant and, as I say, to maintain peace and order.

When you have picket lines that are formed, not for the main purpose of informing, but for other purposes, maybe to shut down the plant, when there are some workers who want to continue to work at the plant and there are employees moving in and out, this always causes a problem. And what do you do? Do the police abandon that role? In a situation of that kind I think the result would be even worse than having the police on the scene.

Mr. Chairman: Can we ensure that we can confine the remarks to item 1, if you don't mind?

Mr. Roy: Yes, this was just on a point.

Mr. Chairman: Does Mr. Stokes wish to speak after and then Mr. Sargent? I may say that the House rose 15 or 20 minutes ago.

Hon. Mr. Kerr: We might as well go to 6 o'clock. Are you going to the big dinner?

Mr. Roy: Well, why not?

Mr. Lawlor: Mr. Chairman, there is a question of order here as to whether we have the jurisdiction to sit while the House is not sitting. This has arisen on a number of occasions.

Mr. Chairman: I think that we can.

Mr. Stokes: The committee can determine that.

Mr. Lawlor: I don't think a committee can determine it. If the House is not sitting, we have no role.

Mr. Sargent: I was going to speak to Mr. Lawlor's point there on the same thing.

**Mr. Chairman:** Mr. Stokes has been trying to make a remark and maybe he could complete it.

**Mr. Stokes:** Yes. It is a very delicate matter, Mr. Minister. I don't want to appear to be here as the advocate for police officers in the field, but I think that if anybody is going to be their advocate it's got to be you.

I've got two specific areas that I want to call to your attention to preserve the morale of the people in your various police forces throughout the province. It's a conflict between the Crown and the investigating officers. One surrounds remands, where police officers are called back to court as many as 14 times to give evidence because the Crown isn't ready for some reason or another, they decide to hold it off.

That is one instance. The other one instance came to light very recently, where very dedicated police officers did a lot of detailed investigation, a really first-rate job, and for reasons known only to the Crown attorney, he decided not to use that evidence. It was thrown out.

Police officers are coming to me and saying, "What is the use?" They go out and do the best job possible; they do an awful lot of legwork at considerable expense. One instance that comes to mind involved several thousand dollars, because it involved two detachments. There was a lot of running back and forth and they felt that they had done all that was expected from them—and more. They say, "What is the use? We do all of this detailed work only to find out that the Crown disregards it completely." As a result, it is thrown out and we may or may not have people out on the street who committed a crime. All of their hard work and dedicated service went for nothing.

Getting back to what my colleague was saying, in order to preserve the morale of police officers, in your capacity as the Solicitor General can't you say to your colleague, the Attorney General, "Let's sit down and have a look at this"? If there were just one or two instances, I would say they are exceptions to the rule, but as I travel throughout the northwest I find that it is becoming more and more prevalent.

I am getting complaints from reeves of municipalities, chiefs of police of small police forces and from OPP officers. I just want you to know, Mr. Minister, that it is becoming more prevalent, and policemen just shrug their shoulders. They have discussed it with various superintendents, and they say, "Well, our job is to do what is expected of us, and

what happens from that point on is somebody else's responsibility." But I am concerned about the morale of the policemen. I wish you would comment on it and if possible, look into it.

**Hon. Mr. Kerr:** I would be concerned about it as well. I have heard police officers say time and time again, not so much that the Crown didn't use their evidence, but because of some technicality their evidence wasn't admissible or, as I say, on some technicality a smart defence counsel was able to have it ruled inadmissible or thrown out.

In the situation you are talking about, where there is a Crown attorney, who is an officer of the court, and those police officers are working with him to provide him with the evidence, if there are a number of acquittals as a result of not using that evidence, it should be looked into.

**Mr. Chairman:** I am wondering, Mr. Sargent, if your question relates to item I. We seem to be—

**Mr. Sargent:** Administration. We are talking about the main office.

**Hon. Mr. Kerr:** The only other point I want to make, Mr. Chairman, is that I realize in the north there is a great problem about remands. I know this must be terribly frustrating to the police officer. There is the matter of conveniencing Crown witnesses and defence witnesses, who have to travel some distance. The Crown attorney in many cases is on circuit I suppose, and he has to fill in his timetable. It's just a matter of more efficient administration; maybe we need more Crown attorneys up there or more airplanes or something.

**Mrs. Campbell:** I wouldn't suggest more airplanes.

**Mr. Stokes:** Will you discuss it with your colleagues?

**Hon. Mr. Kerr:** I most certainly will.

**Mr. Chairman:** This committee will stand adjourned until Thursday following the question period. We will carry on discussing the rest of the item at that time. There is still Mr. Sargent; Mr. Roy has something further to say; Mr. Lawlor has something further to say so I don't think we are going to complete this item in the next few minutes.

**Mr. Haggerty:** I'm not sitting here twiddling my fingers for nothing, Mr. Chairman.

**Mr. Chairman:** Mr. Haggerty, yes, for sure.

The committee adjourned at 6 o'clock, p.m.

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Ontario. Legislative Assembly

# Legislature of Ontario Debates

## ESTIMATES, MINISTRY OF THE SOLICITOR GENERAL

Standing Administration of Justice  
Committee

Chairman: Mr. J. A. Taylor

OFFICIAL REPORT — DAILY EDITION

Fourth Session of the Twenty-Ninth Legislature

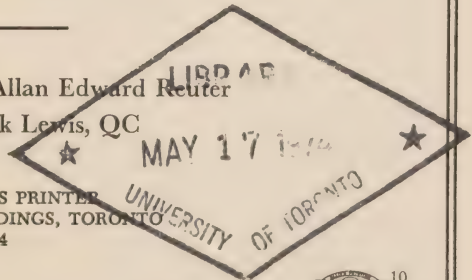
Thursday, May 2, 1974

Afternoon Session

Speaker: Honourable Allan Edward Reuter

Clerk: Roderick Lewis, QC

THE QUEEN'S PRINTER  
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1974



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(Daily index of proceedings appears at back of this issue.)

## LEGISLATIVE ASSEMBLY OF ONTARIO

THURSDAY, MAY 2, 1974

The committee met at 3:10 o'clock, p.m.

ESTIMATES, MINISTRY OF THE  
SOLICITOR GENERAL  
(continued)

**Mr. Chairman:** If we might proceed, the minister has a statement which he wishes to make initially in connection with some comments that were made last day.

**Hon. G. A. Kerr (Solicitor General):** Yes, Mr. Chairman. Unfortunately, we don't seem to get copies of Hansard now to correct them as we used to in the past; but there is an error, and I'm probably responsible for it, on page S-273-1 on April 30 last where, in answer to a question, I believe from Mr. Lawlor, I used the word "conviction" instead of "acquittal." This is rather important.

**Mr. A. J. Roy (Ottawa East):** We don't want to have you as a judge here. It would be as embarrassing as hell.

**Hon. Mr. Kerr:** We were discussing the question of prints and photographs on that page and if you read on, during the remarks you will see that I did in fact mean "acquittal" rather than "conviction."

**Mr. Chairman:** Thank you very much, Mr. Minister. That would certainly distort the intention of your statement.

Mr. Lawlor, I believe last day you had a few further comments to make on item 1.

On vote 1501:

**Mr. P. D. Lawlor (Lakeshore):** Mr. Chairman, again I want to commend you. Your attentiveness to what is going on here is one of your highest qualities. I was, as a matter of fact, just finished with one of several comments I had to make under the first vote, general comments having to do with rather broad issues which I thought best brought under the main office first item vote.

The second thing I want to do today is to dissect the interrelationships between your office and the commission for Ontario Provincial Police, and interrelationships between local municipal police forces and commis-

sions, as well as your rather ostrich-like tactics in the House. In hiding behind this rather regimented and moat-like structure, you have to be a knight in green armour to get across that bridge. It is difficult, particularly when the drawbridge is up, as it always is. If you are in armour and you are trying to swim, it is kind of difficult.

I'm sure he'll peruse that, though, mull over it for the next time until we meet again and come up with some kind of answers that might be half palatable.

Today I want to explore something the member for Ottawa East brought up and which I don't think we should spend a great deal of time on. It has to do with what Quebec tried to do and with what the task force on policing recommends that you do. Namely, under organization-9(1) of the recommendations—it said:

Federal and provincial Solicitors General establish a joint study to determine the level of service and cost-sharing appropriate between federal and provincial levels as regards enforcement of federal legislation.

I won't read on. There is more to that paragraph and recommendation, but the point is there.

Other provinces enjoy, if that's the way you put it, the attention, and I am sure the almost material care, conferred by the RCMP in their jurisdictions. We have seen fit not to do so; I think it is a wise decision made by our forefathers. Quebec had particular predilections about it because of its profound sense and jealousy of its constitutional position. We share that to some very great extent.

The federal government has in recent years recognized a responsibility in the area of law enforcement, and to some degree law alleviation. It has moved forward and contributed funds to legal aid and to the compensation for victims of crimes.

I don't think that was because of over-zealous solicitations on their part. I think they came forward on that because they recognized responsibility. But surely in the area of policing, with the crisis facing us that we discussed the other day with respect to

monetary waste in the policing area, some advances are going to have to be made to the federal treasury to recognize their responsibility, vis-à-vis Ontario in this particular regard.

Unless that does take place, then the responsibilities which you have by legislation, from time immemorial, devolved upon the heads of the municipalities where they are feeling the crunch and screaming under the added weight of the costs of policing in those municipalities, you are going to have to move downstream and alleviate to a far greater extent than you are presently prepared to do.

What I am concerned with is the inter-leaving of the three levels of government with respect to the alleviations along the line. I think you are perfectly justified, in the House and elsewhere, in saying that the burden that is facing you cannot really be borne by the people of Ontario at the provincial level in its full panoply and still keep those 2,000 policemen, who would be requisite and who are simply not going to be there as the next five or six years come upon us, and who are crucial to the good order and good life of the province.

Therefore you are being forced into a corner, and I suggest forced to attend upon the federal government to point out what I consider their profound responsibilities in this particular regard, insofar as they are administering the Criminal Code of Canada. Have them play some kind of role. And when that happens all the benefits conferred through that particular channel should devolve upon the municipalities themselves to alleviate them.

If you are going to do what you did under the terms of the Smith commission—taking over the courts, taking over the administration of justice from the various municipalities—you could begin to move into the area of police surveillance and direct responsibility for the police throughout the province, at least in terms of providing the payroll.

I would think you would do that in a forthright way and specific way—that is direct it specifically to alleviating the municipalities from the burden and costs of policing to a greater extent. It could be done on a proportional basis; or as recommended in the terms of the task force by way of an expanded structure of unconditional grants—expanded in order to meet the needs to a very considerable extent.

That is a real work of the will so far as you are concerned, and possibly the gravest

problem that faces you as Solicitor General sitting here today—how you are going to face that, deal with it, arrogate funds; manipulate or what you will in order to achieve this objective. I would like to know from you what are your plans in this particular regard? Are you entering upon your tasks forthrightly?

**Mr. Chairman:** Mr. Minister?

**Hon. Mr. Kerr:** Yes, Mr. Chairman. As the hon. member said, we discussed this earlier this week. It's true that the initiative last year was taken by the Quebec government, the Minister of Justice in that province, and supported by the Ontario government and my predecessor.

**Mr. Lawlor:** To what extent? Did you appear with him or did you supply a brief?

**Hon. Mr. Kerr:** Yes, we had people there from the ministry, I believe Mr. Coffin and somebody from the OPC attended that particular meeting in Ottawa with the federal government, along with our counterparts from Quebec. Also, of course, when we initially had the submission from Quebec, we wrote to the Minister of Justice indicating our support, indicating what this could mean on the basis of the formula suggested by Quebec.

I think it's public knowledge now that the meeting wasn't very successful from the point of view of the provinces. The attitude by the federal government seemed to be: "You chose some years ago to set up your own provincial forces. Seven or eight other provinces have not chosen to do that. We have no responsibility in that regard when a provincial force is in the field or provides the service. Therefore, there is no obligation for us to meet your request." That's basically the answer from the federal government.

As I mentioned before, the RCMP, of course, do have responsibilities in all provinces. They are in this province in various areas, particularly in the area of drug trafficking and customs offences and certain types of criminal activities relating to their jurisdiction.

**Mr. V. M. Singer (Downsview):** Income tax; combines.

**Hon. Mr. Kerr:** Yes. I might just give you an example as to why I am not too encouraged with the federal attitude; and that is on this whole question of policing on reserves—the whole approach we've been making toward establishing well-trained and properly paid band constables. The federal

government has a schedule for payment now; it isn't sufficient. We are not able to enlist native people into these forces. We now have a proposition which I think will be acceptable but it's shared cost. The idea is the federal government will pay 60 per cent; we would pay 40 per cent. There may be a contribution within that 40 per cent from the reserves themselves as there is at the present time, ultimately moving to 50-50.

Traditionally, and I think constitutionally, Indian reserves are the responsibility of the federal government. Policing on those reserves should be its responsibility totally. We can see why it isn't and why the federal government would have that attitude. We are responsible, basically, for policing in this province therefore we can't leave these various areas in the province without adequate policing and protection. They know we feel that way and that we're prepared to agree to any reasonable arrangement.

We have, of course, the track record of our own very competent Treasurer (Mr. White) in attempting to obtain some concessions from the federal government in the whole area of fiscal arrangements. He's not been too successful. I think probably the only answer is to wait for a change of government; there's no question about that.

Mr. Lawlor: My next question—

Hon. Mr. Kerr: Was that the next thing you were going to say?

Mr. Lawlor: No, my next question is—

Mr. J. A. Renwick (Riverdale): That's a rather partisan remark for a minister of the Crown.

Hon. Mr. Kerr: I'm not saying which House.

Mr. Lawlor: I hardly think you meant a change of government in Ontario but in any other—

Mr. Chairman: Let's not be political.

Mr. Lawlor: Yes, let's be above ourselves. It's like sitting on your own fanny.

Hon. Mr. Kerr: Just to interrupt you: You started out by referring to a recommendation in the task force report, and certainly we intend to pursue that. We have not given up entirely by any means. All I am saying is that I am not too encouraged.

Mr. Lawlor: You sound pretty doleful and down in the dumps. How and where are you going to find the \$55 million that you will

need — as is projected unquestionably — in order to maintain police forces of Ontario in the next few years?

Hon. Mr. Kerr: It will be very difficult to do. I don't know. This is an estimate by the task force. The task force says that if we implement the majority of its recommendations we may be able to avoid that amount of an increase. But, certainly as the hon. member says, this is one way to do it. This is one way to attempt to do it.

Mr. Chairman: Mr. Haggerty.

Mr. R. Haggerty (Welland South): Thank you, Mr. Chairman. I would perhaps like to follow the matter of police cost-sharing. What is the present policy by the ministry in the new guidelines set out by the county restructuring studies programme by the Ministry of Treasury, Economics and Intergovernmental Affairs? What position are you taking in this matter?

Policing is perhaps one of the highest cost factors in the regional municipality of Niagara. In the Niagara Peninsula it runs between about 20 and 25 per cent of the total budget of the region and it is increasing year after year. Now your proposal here is that the government is talking about restructuring county boundaries; perhaps a county form of government. Now this, perhaps, is going to bring changes in policing of the county. What is your position on this?

Hon. Mr. Kerr: This is a form of regional government. I suppose the Norfolk-Haldimand arrangement is a form of restructuring of county government, but we refer to it as regional government as far as policing is concerned. There hasn't been any set policy. As you know, in areas where the OPP has been established—

Mr. Haggerty: In Crystal Beach.

Hon. Mr. Kerr: Yes. In some areas where the OPP has been established, we are phasing them out; but in the basically rural parts of the new restructured county or region, the OPP is staying, usually on a contract basis. We have been establishing regional police forces.

In other words, communities within the towns and communities that had their own local police are forming a regional force. Again, in some areas there is still the OPP. For example, in Niagara they still have the OPP in parts of Lincoln county.

**Mr. Haggerty:** I hope you are not going to think about withdrawing the services from Lincoln?

**Hon. Mr. Kerr:** Well not in all those areas.

**Mr. Haggerty:** Particularly Crystal Beach. You are aware that this community is about one mile square with a population in the summertime of about 10,000 to 15,000. I think you bring in about 14 officers in the summer and five through the winter months.

**Hon. Mr. Kerr:** Yes.

**Mr. Haggerty:** Of course, I believe you have had some comments or received some communications on the matter of policing in that particular area, where there are some problems throughout that little community. I was just wondering, while we are speaking on this, if perhaps you should move additional police into that area a lot sooner than May 15 or May 24.

**Hon. Mr. Kerr:** I think it is the first holiday weekend when things first start to really develop there. There is a holiday in May in the United States, Veterans' Day or—

**Mr. Haggerty:** That is Memorial Day, May 30. We have Victoria Day.

**Hon. Mr. Kerr:** Well that's after our first holiday.

**Mr. Haggerty:** Yes, but could you not move them in before that? Now is the time that the summer residents are moving into the community; and of course there are break-ins and theft and so forth in the cottages. I just wondered, perhaps, if you couldn't move more officers in there? They've been doing quite a bit of damage in the local churches in the community. I'm sure you must have communications on it requesting assistance.

**Hon. Mr. Kerr:** I could find out. I can find out the number of people we have there—the additional men we put in the spring.

**Mr. Haggerty:** I think you have five now, but could you not bring in more on May 1 when the summer residents move in?

**Hon. Mr. Kerr:** I might mention—and this is for publication I think this has gone through—that the per capita contribution for area municipalities now is \$5 per capita and for regional municipalities it will be \$7 per capita. I think that is an increase over what we've been paying.

**Mr. Haggerty:** That would only cover the increase in general salaries that have been provided every year, would it not?

**Hon. Mr. Kerr:** It could be, depending on the—

**Mr. Haggerty:** It doesn't reduce the police budget that much. In fact I think it will be higher than it was last year with the additional subsidy.

**Hon. Mr. Kerr:** It's a matter of maintaining an adequate force in those areas, just as long as they don't have to reduce their force or not have adequate policing; but I think this would assist the regional municipalities substantially.

**Mr. Haggerty:** Not that much. I'm afraid if you looked at the report here you would find that this year it will take up 25 per cent of the total budget, and that's pretty high for policing in the area.

**Hon. Mr. Kerr:** We can discuss this later, I suppose, when we get to this vote, but there is one area where there is some complaint and it's been from your area, I think, where the OPP have traditionally been policing that area.

**Mr. Haggerty:** This is Crystal Beach.

**Hon. Mr. Kerr:** I'm thinking of other parts where the people have been complaining that they are being assessed for the regional police force. This, of course, is part of the regional bill which provides that.

**Mr. Haggerty:** That is right.

**Hon. Mr. Kerr:** I've been trying—

**Mr. Haggerty:** That's Crystal Beach where the residents are paying twice for the police service.

**Hon. Mr. Kerr:** I don't think they are, but that can be corrected later. I think in those circumstances the OPP is not charging for its services. I believe they are getting policing from the provincial government without charge, but they are being assessed for the regional police pursuant to the provisions of the regional municipality Act.

**Mr. Haggerty:** I think this is where they're being charged for the 15 men in the area. I think this is what puts the cost up. When the breakdown comes through the regional municipality in their budgeting, there are 15 officers there and they charge the 15 officers over a square mile. It works out that you're paying pretty high police rates in that

one community. I think this is where the objection is. I think this is what it is.

**Hon. Mr. Kerr:** But it's not twice. That's the only thing that I wanted to make clear.

**Mr. Haggerty:** It is, I suppose, if you are the taxpayer though. When you get 15 officers it's twice, maybe triple the cost for normal policing in the area.

The other matter I want to raise at this point is that you have the main office and the ministry office secretariat here. In 1972-1973 you estimated \$71,200 and in 1974-1975 you've got a tremendous jump here to \$546,800. When I look at the salaries and wages between the two different offices here—

**Mr. Chairman:** We're still on item 1, Mr. Haggerty.

**Mr. Haggerty:** I'm comparing both of them, you see.

**Mr. Chairman:** I see.

**Mr. Haggerty:** I'm just wondering, you have salary and wages in item 1 at \$183,200; and in item 2, for example, \$194,700. There seems to be about the same number of employees, but what is the difference in the two offices? Why are there two offices and why the extra enormous costs involved in item 2 in comparison?

**Hon. Mr. Kerr:** It is a substantial increase. It's an increase of \$381,800. My information is that it involves a communications officer, a research officer, an internal auditor, and also includes the implementation of the task force on policing and purchase of research capability, purchase of communications services and multilingual communications.

**Mr. Haggerty:** That report is finished on the task force on policing, that was \$186,000 in the last estimates. There's nothing here this year, so why would you have that included this year?

**Hon. Mr. Kerr:** Well this is based, as I say, on the cost that is estimated to implement the recommendations of the task force.

**Mr. Haggerty:** You must be kidding!

**Hon. Mr. Kerr:** I suppose it involves consultant fees and things like that.

**Mr. Haggerty:** You must be kidding if it's going to cost that much to implement that. Are you going to accept all the recommendations?

**Hon. Mr. Kerr:** Well I don't know yet. We are still gathering reaction to the task force recommendations.

**Mr. Haggerty:** It's a good thing you have the internal auditor there. Boy, you'll need one.

**Mr. Singer:** They'll need another task force gathering reaction.

**Mr. Haggerty:** I was looking at the mileage—

**Hon. Mr. Kerr:** Mileage?

**Mr. Haggerty:** Mileage. One is transportation and communication at \$30,000 and the other is \$15,000. The main office is \$30,000 and the ministry office secretariat is \$15,000.

**Hon. Mr. Kerr:** I'm trying to find that. Why haven't I got that right in front of me, folks? Where is the mileage? You have under transportation and communication — there isn't any mileage item there, is there?

**Mr. Haggerty:** Well, I imagine there would be transportation; isn't there?

**Hon. Mr. Kerr:** Okay.

**Mr. Haggerty:** What kind of cars were you using?

**Hon. Mr. Kerr:** I think, yes; if you have your little red and white book there, if you will refer to page J74, that gives you a definition of transportation and communication.

**Mr. Haggerty:** This is the annual report, 1972?

**Hon. Mr. Kerr:** No, in your estimate book.

**Mr. Haggerty:** Oh, I see; here.

**Mrs. M. Campbell (St. George):** That's what he's reading.

**Mr. Haggerty:** I'm reading it, yes. But I don't see it.

**Hon. Mr. Kerr:** J74.

**Mr. Singer:** J74?

**Hon. Mr. Kerr:** Yes, right at the very back.

**An hon. member:** Probably going 'way back.

**Hon. Mr. Kerr:** There is a definition section.

**Mr. Haggerty:** Oh I've got it. Here it is.

Mr. Singer: Oh, under transportation and communication. Do these comments apply to all budgets?

Hon. Mr. Kerr: Yes.

Mr. Singer: Oh yes, that makes it clear, yes. That makes it clear.

Hon. Mr. Kerr: Now, what was the other item?

Mr. Haggerty: Wait till I read this paragraph.

Mr. Roy: That doesn't answer his question.

Mrs. Campbell: It doesn't say anything that relates to what you are saying.

Hon. Mr. Kerr: This would be for mileage for—

Mr. Haggerty: I suppose mileage is charged—

Hon. Mr. Kerr: —employees of the ministry, of the main office.

Mr. Roy: It includes even your staff, doesn't it?

Hon. Mr. Kerr: Relocation, transportation, postage and registration.

Mr. Haggerty: I suppose I'd find the same explanation in the Ministry of Government Services.

Hon. Mr. Kerr: That's right.

Mr. Haggerty: Moving equipment or furniture—there probably would be a cost involved there too.

Hon. Mr. Kerr: You had a bigger item you referred to?

Mr. Haggerty: Yes, services. That \$296,000 or something. That's a big one for advertising, isn't it? Look at that!

Mr. Chairman: Mr. Haggerty, I know you are trying to compare them and—

Hon. Mr. Kerr: That \$296,000 is part—

Mr. Chairman: Mr. Minister, did you wish to deal with this now?

Mr. Haggerty: I was just comparing them—the \$15,000 and the \$296,000.

Mr. Chairman: It doesn't matter to me if you want to debate the various items at once, but maybe we could confine ourselves to item 1. I appreciate the logistics and sometimes the mental gymnastics that you go

through to relate one to the other, because we've been dealing really with all three items. We've been into the task force on policing. As a matter of fact, we've also been on vote 1504 in connection with the Ontario Provincial Police. What I want to—

Mr. Haggerty: But we are dealing with the most important thing. This is the monetary value of operations of the department here.

Mr. Chairman: Excuse me, may I finish? While I wish to see a great deal of latitude and discussion on the matter, at the same time I think we have to approach the votes item by item.

Mr. Renwick: It would be a more orderly way.

Mr. Chairman: Thank you very much for that support, Mr. Renwick.

Mr. Singer: If there is anyone who is orderly it is Renwick.

Mrs. Campbell: The calm in the middle of the storm.

Mr. Chairman: And I presume short.

Mr. Singer: Oh yes, always to the point.

Mr. Chairman: Invariably brief.

Mr. Good, you had a comment on item 1.

Mr. E. R. Good (Waterloo North): Yes, I have only one item I would like to discuss and I hope this is the right vote for it. That's the government policy on its proposed gun control legislation.

Mr. Renwick: That's the next vote.

Mr. Good: That's right on in this vote.

First of all, Mr. Chairman, I'd like to make a few comments and then ask for a response from the minister. There has been considerable publicity in the papers this spring regarding this, especially the statement of the Metro police commission chairman, Mr. Bick, that tougher gun control was required. He said that somebody should get off their butts and get working on some tougher gun control legislation. The Toronto Star, then, in an editorial, said that certain recommendations should be introduced to bring tougher control over guns, and they made some observations that I believe came from a 1970 Canadian Bar Association recommendation that only police officers and others on official duty should be allowed to own hand guns; with the exception of members of chartered shooting clubs, and even then, those weapons should be kept on their own premises.

The recommendation also calls for some control over rifles and shotguns. We know that the federal Criminal Code does make provision for the registering of hand guns. As I understand, there is no registration or control over shotguns and rifles.

**Mr. Haggerty:** Why isn't there?

**Mr. Good:** On this matter of gun control and the ambiguity surrounding the type of legislation which might be brought in, I, along with others I am sure, have been getting considerable amounts of correspondence from rifle clubs and rod and gun clubs in my area. They are very much concerned about whether or not their rights as sportsmen and hunters are going to be infringed upon by any impending legislation. They have forwarded to me articles dealing with the other side of the picture. In fairness to both sides, I think I should state here that their prime concern is that there be dialogue with the rod and gun clubs and with the rifle clubs before any legislation is brought in.

They say, in an article which was published some months ago, that statistics have been twisted, intentionally misrepresented and omitted by legislators who are against firearms, and who want their beliefs to be forced upon all others. I think this is worth quoting just to bring the whole matter into context. This article states:

The United States is a prime example of where twisted and misrepresented facts and admission of outright lies are used when dealing with firearm statistics.

Persons using such statements are obviously misinformed when they say that, for instance, the United States is the crime capital of the world. Using the murder rate of 100,000 of population taken from the United Nations and Interpol statistics, the United States is far from the leader. Aden leads with 177 murders per 100,000 persons, El Salvador is in second place, Iraq in twelfth, the Netherlands Antilles in fifteenth, British West Indies in twentieth place, Jordan in twenty-fifth; Pakistan takes thirty-second spot with 8.83 murders per 100,000. Cyprus is next; and in fortieth position among the countries of the world is the United States, with 6.8 homicides per 100,000. Canada is in sixty-eighth position with 2.4 homicides per 100,000 population.

One fact which seems to be overlooked, according to this article, is that Switzerland, a country that encourages every home owner to have a rifle and to know how to use it,

stands in ninety-fifth position with a homicide rate of .70. The article goes on to discuss the controlling of firearms by hunters—and the majority of firearms are owned by sportsmen in most countries—the rights and privileges of the sporting community, and the economic value of sports to the community. One thing which they say here, which I think is rather catchy, is that:

Strict gun control has not and will not put an end to, nor in any way curtail, the criminal acts of those people who live outside the laws of Canada. Outlaw guns and only outlaws will have guns.

I know it is not the intention of the minister to outlaw sporting weapons because I have spoken to him on this matter. In summary, the article says that:

The sportsmen of this province deserve a hearing prior to any action being taken by the provincial or federal governments concerning gun control. The law-abiding citizens and the sportsmen [perhaps I should say sports person] can no longer be the scapegoat for the criminal. If the government is responsible and is willing to discuss this subject with its voters then let this be done now by the government, so that the sportsmen of the province know where they stand.

Since getting these representations from the rod and gun club in my area I spoke to Mr. Jack Hedger, who is the secretary-manager of the Ontario Federation of Anglers and Hunters. I had a lengthy talk with him and the conclusion I reached after getting information from him is that the sports clubs in the province are most anxious to sit down with government and discuss the matter and work out an agreement. I think they are willing to see that something is done, as long as it isn't something irrational, and done in a manner of panic in reply to Mr. Bick's accusation that all guns should be controlled.

So I wrote the minister regarding this matter and I asked him to contact Mr. Hedger and see if something could be worked out with the hunting clubs and the sporting clubs in the province. I am wondering if the minister would like to respond to this whole matter of the proposed legislation, because I think there is a panic developing in the sporting clubs. I think it is unnecessary, and I'm sure that a proper solution can be reached to the whole matter.

**Mr. Chairman:** Mr. Minister.

**Hon. Mr. Kerr:** Mr. Chairman, I believe I talked to Mr. Hedger; I know that I talked

to the secretary of one of the rod and gun clubs.

**Mr. Good:** He is from the federation of all the rod and gun clubs in the province.

**Hon. Mr. Kerr:** That could have been the gentleman. He indicated the same things you have mentioned, that they want to discuss this whole area with us before we draft or introduce any legislation. I gave him a very rough idea of what we were thinking of doing—there is no decision on this yet—but what we were thinking of doing, and that is basically licensing or registering people who own a rifle or a shotgun.

**Mr. Haggerty:** There is nothing wrong with that.

**Hon. Mr. Kerr:** It is pretty nearly impossible to register the weapon itself because some of the makes don't have a serial number or any kind of a number on them. So we would have to register or license the owner. We would consider a person who has a hunting licence as complying with any such requirement—that would be sufficient—because that indicates that he has passed some sort of a test in order to get the hunting licence; it indicates some competency in the handling of a rifle or a shotgun.

But we have no intention of banning these weapons. We are concerned about how easy it is for anybody to own one, either by mail order or otherwise. There is no restriction I'm aware of, outside of I suppose the situation where if somebody is under about 16 the storekeeper may refuse to sell a weapon to him.

So that would be the approach we would take. We may require that person to show some competency in the handling of a rifle or shotgun.

We may restrict people who have criminal records, depending I suppose on the criminal record. For example, somebody who is convicted of drunk driving, I don't think that we would necessarily feel that should prohibit them from owning a rifle or a shotgun. But that would be the type of approach we would take.

He seemed quite satisfied with that. As a matter of fact he indicated that his organization would be in favour of that type of legislation because it would more or less make his association's job easier from the point of view of some order; there wouldn't be as much criticism because these are not restricted in any way. The idea that people who now have hunting licences would be

exempt from a further test seemed to satisfy him.

**Mr. Good:** Thank you, Mr. Minister. Just one thing further; and that is, when I talked to Mr. Hedger your ministry hasn't been in touch with the federation up to that time. If you or your officials would refer to my letter of March 27, at which time I gave you Mr. Hedger's address. Because of the fact that he can talk for the whole federation of all sporting and hunting clubs. I think a real hassle could be avoided if you would make direct contact with the federation prior to the introduction of legislation; because I know that this business about gun control spills over from the United States. Right away sportsmen get up tight, and rightly so. I think that it would be worthwhile to establish communications with the federation of anglers and hunters. They have a local office here, and I am sure it would be beneficial for both sides involved, because I don't think there is that much division of opinion on it, or that much problem. But right away, all the local hunt clubs get exercised whenever they hear anything about gun control, and I think the thing can be resolved by communicating with them.

**Mr. Renwick:** May I ask a couple of questions of the minister on that question of gun control?

**Mr. Chairman:** Are you on gun control, Mr. Singer?

**Mr. Singer:** Yes.

**Mr. Chairman:** Mr. Singer had indicated earlier he wished to speak.

**Mr. Singer:** I would like to know, Mr. Minister, if you have any authoritative opinion on the constitutionality, because at a rough glance it would seem to me that gun control relates closely to criminal law, and the federal government has already occupied part of the field in the Criminal Code. I would have very serious inquiries in my mind if I saw your legislation introduced without having a very authoritative constitutional opinion as to whether or not you have any right to get into the field at all.

**Mr. Good:** They have licensing powers in the province.

**Mr. Renwick:** I would be glad to give you that opinion.

**Mr. Singer:** Pardon?

**Mr. Renwick:** I will give you that opinion.

**Mr. Singer:** That's nice, that's nice.

**Mr. Chairman:** We will hear from Mr. Renwick in a moment.

**Mr. Roy:** It is an excellent point, I might add.

**Mr. Good:** They work it through their licensing powers.

**Mr. Singer:** Well, the licensing is different; and that's a delegation, I think. As I recall the sections in the Criminal Code, I would be surprised if you can get into this field. Have you as yet sought any constitutional opinion and have you got it here?

**Hon. Mr. Kerr:** I am not sure if I have my file on gun control, but I have an opinion from very capable and competent legal advisors within the ministry. They have indicated that it is not a constitutional problem, that it is in the area of regulating and licensing. Although it is expected we would be challenged, they feel we are on good ground.

**Mr. Good:** Where do you draw the line then?

**Mr. Singer:** If you are contemplating some kind of legislation, I would like you to bring before us an opinion from the law officers of the Crown, whether you drag them out of your own ministry or get them out of the Attorney General's ministry, I don't really care.

**Hon. Mr. Kerr:** All right. They are all seconded anyway.

**Mr. Singer:** I would like to see an authoritative constitutional opinion, and after I have read it I will tell you whether I agree with it or not.

**Mr. Chairman:** In the meantime, maybe Mr. Renwick could contribute to the opinion too.

**Mr. Singer:** I have a couple of other points on this. That's all I wanted to say about it in this vote.

**Mr. Chairman:** All right, while you are speaking you might as well finish, then we will get to Mr. Renwick.

**Mr. Singer:** The second point is—

**Mr. Renwick:** If my friend would let me deal with gun control.

**Mr. Singer:** If you only want to deal with gun control.

**Mr. Renwick:** Briefly, I would say the minister's advisors are quite correct in the constitutional aspect of this problem. If I had to be categorized in this field, I think I would fall on the side of being a strict control person with respect to all kinds of firearms and other types of offensive weapons. The registration route seems to me to be a very adequate route to pursue.

Having said that, I don't think that one needs to be overly-rigid or bureaucratic about the way in which you would carry it out. It would seem to me that any duly recognized shooting club or rod and gun club should perhaps be made the self-regulator of the registration, rather than to saddle government with that whole aspect of the sporting field.

A duly recognized rod and gun club or shooting club, recognized by the government as such, with a relatively informal procedure could, by providing the certificate of membership or the membership card in their association to their members, constitute a registration for that purpose. It would give you immense flexibility in the first place, but would also provide the kind of control which ultimately I think you want to have in the sense that you want to cover the whole of the field.

I wouldn't mind having the minister's comment about that suggestion. It seems to me to be the kind of suggestion that might very well meet the legitimate interest of members of these clubs.

**Mr. Good:** There are a lot of sportsmen who don't belong to the rod and gun clubs.

**Mr. Renwick:** I understand that. It may well be that they might have to come under some other kind of registration system. But to the extent that they were members of an officially recognized rod and gun club or shooting club, there's no reason why they couldn't perform a self-registration operation which would be adequate for your purposes.

My major question is with respect to the manufacturers, importers, wholesalers and retailers, and whether or not you intend to proceed in that field with respect to adequate registration and supervision of the outlets from which the weapons are originally obtained?

**Hon. Mr. Kerr:** That's an area where we may be in trouble constitutionally.

**Mr. Renwick:** That's the reason I asked about that particular aspect of the question. I'd like the minister to elaborate on that, because I'm very unclear in my

own mind about that aspect of it and what the province can do about it. It does seem to me that that's at least one half of the problem.

Hon. Mr. Kerr: Yes.

Mr. Singer: I thought you were going to clear up that whole constitutional question.

Mr. Renwick: I was speaking rather more specifically, as I try to be extremely accurate and focus on the major question under consideration. I was talking about the licensing function and the registration function with respect to the owners of guns as citizens of the province. This other question seems to me to be a very important part of any gun control system. I would like the minister's elaboration on the problem, as he sees it with respect to that area; and what he plans to do and how he intends to overcome the problem.

Hon. Mr. Kerr: This area was examined when we considered the whole question. Again it was felt by the lawyer in our ministry who submitted an opinion on this that we may be in trouble in the area of attempting to restrict the import of these weapons. It would be the whole question, I suppose, of international and interprovincial distribution and sale. We are on much thinner ground in that area.

I suppose one thing, again, is to ask for some control from the federal government if we feel we would not have the constitutional authority to do that. I must say that initially we're concerned more about the use of these weapons and how they are used by people who have them in their possession. I think there's no question we would upset the sportsmen, the rod and gun club members, who feel that any move towards licensing or registration is just the first step towards very strict control and possibly ultimate banning of certain types of weapons. This is their concern, as they've admitted to me. They question the benefit of registration of these weapons. As the hon. member for Waterloo North has said, it won't curtail the acts of criminals.

Mr. Singer: Well, that's the argument they use in the United States. I don't accept that at all.

Hon. Mr. Kerr: No, that's not an argument, as far as I'm concerned, for not doing something. In any event, there are weapons and then there are weapons, I'll put it that way.

Mr. Singer: If they have bullets in them they can all do the same thing.

Hon. Mr. Kerr: But you know, you talk about machine guns and Sten guns and—

Mr. Haggerty: Military arms and that sort of thing.

Hon. Mr. Kerr: —elaborate types of weapons that are available in this province.

Mr. Haggerty: Why are they available. That's the source of the problem though, isn't it?

Hon. Mr. Kerr: There isn't any great restriction.

Mr. Haggerty: You can go out and buy them.

Hon. Mr. Kerr: There is some regulation as far as sale is concerned.

Mr. Haggerty: That's right.

Mr. Renwick: There's very little use that a citizen has for a machine gun in the Province of Ontario.

Hon. Mr. Kerr: There is a prohibited weapons list, as the hon. members know. There is a list under the Criminal Code; as well as hand guns—

Mr. Good: Sure there is.

Mr. Haggerty: Why don't they take military armament like that and melt it down? There's a shortage of metal right now.

Hon. Mr. Kerr: Most of these people are just collectors; they want to put something over their mantel or they want to shoot geese off Lake Ontario.

Mr. Renwick: I defended a man with a carefully sawed-off shotgun; it was beautifully done. He kept it over the mantel too. He was a collector—and I lost the case.

Mrs. Campbell: And you were glad.

Mr. Haggerty: There is a problem here but registering guns may assist, perhaps, with some control. What about the police officer who walks up to persons in a car and says: "Show me some identification," and a gun is pulled out and he is shot right there?

Hon. Mr. Kerr: Are you for or against this?

Mr. Haggerty: Wait a minute now—maybe we should be following the principle that has been established in England where the bobbies, if you want to put it that way, don't

carry guns. I would sooner be a policeman on the street without a gun on me, because I'm sure I wouldn't have somebody pulling one on me to shoot at me. Instead, I am on equal terms with the offender.

**Mr. Chairman:** I am sure your comments will assist the minister in the formulation of government policy. In the meantime—

**Mr. Haggerty:** I am sure they will.

**Mr. Singer:** Mr. Minister, have you initiated or are there any discussions going on with the federal government? It would seem to me that most people in Canada have an entirely different approach from that of the Americans. We haven't got the rather fantastic lobby which bases its arguments on that peculiar clause in the American constitution that it is the right of any citizen to bear arms. I would think some very worthwhile ground could be plowed in joint consultation with your colleagues in the other provinces and with the federal Minister of Justice.

I don't think there is much point in trying to bring in legislation which you admitted might be questionable in certain aspects and then having it challenged in the court at a later time. Between the federal government and the provincial government the whole field of legislation is available and it would seem to me a most useful exercise to have Ontario initiate this kind of discussion as soon as possible.

**Hon. Mr. Kerr:** I am happy that—

**Mr. Renwick:** I don't think you should back off because it is going to require co-operative legislation at the two levels to accomplish it in the present state of the constitution. There is no question that part of that jurisdiction is yours and part of it is federal but between the two of you, with full co-operation, you can do it. I think it is absolutely essential that you get at it at the source of entry. I think I could make just as good an argument that that's as major a problem as is the actual owner. I don't think one can be separated from the other when one is talking about an effective gun control system.

**Mr. Singer:** There are two other points I want to make in this first office vote. Is the minister still charged with the responsibility for Sunday legislation or did he abandon that when he got his new appointment? Are you still in charge of that definitive green paper?

**Hon. Mr. Kerr:** It is really the Provincial Secretary for Justice (Mr. Welch). It is the policy field; let's put it that way.

**Mr. Chairman:** We discussed that at some depth in the other estimates.

**Mr. Singer:** We did but not with this minister who, I understand, is still taking the message out to the people. Are you still holding the meetings?

**Hon. Mr. Kerr:** No, the public meetings are over.

**Mr. Singer:** The public meetings are over?

**Hon. Mr. Kerr:** And I got the message.

**Mr. Singer:** There are a number of messages. I had a message delivered to me the other day by some Seventh Day Adventists who would like very much to meet with you or whoever the responsible minister is. I rather like this group of people; there are a number of them in my constituency. I would think that if you haven't already met with them—which I gather you have not—and you are still charged with the responsibility an opportunity should be made as quickly as possible to hear their position.

**Hon. Mr. Kerr:** I have met with them and I have also—

**Mr. Singer:** That isn't what they indicated to me yesterday.

**Hon. Mr. Kerr:** I don't know—

**Mr. Chairman:** Is this in this item, Mr. Minister?

**Mr. Singer:** It is head office. I can't quite figure out who is doing it right.

**Mr. Roy:** But he should say whether he is doing it or not.

**Hon. Mr. Kerr:** The meetings are over. The information we have compiled, all the submissions we have had and the results of those meetings, are now in the hands of the Justice Secretariat, where a submission and legislation is at present being drafted to be presented to the policy field. Ultimately, along the way, we have the opinion of the Seventh Day Adventists. We realize they are not in favour of a restrictive Sunday, and why. I think we have the opinion of just about every type of group that exists.

**Mr. Singer:** I would think their opinions would be much the same as those of the orthodox Jewish people.

**Hon. Mr. Kerr:** Yes, very much. They made quite a plea at our meeting in Toronto, as a matter of fact.

**Mr. Singer:** The Seventh Day Adventists?

**Hon. Mr. Kerr:** Yes, both.

**Mr. Singer:** And the position is much the same. I think what has been going on, insofar as the Jewish segment of the community is concerned, is that where the police are convinced they are actual observers and they do close down on Saturday, they let them carry on, probably outside the law, but they let them carry on their businesses on Sunday without any disturbance.

**Hon. Mr. Kerr:** But you see that would be hard to put in the law, otherwise we're involved in a religious aspect.

**Mr. Singer:** You are, you are. But both those groups have very deep religious convictions about the use of Saturday and the use of Sunday; and I think they deserve very serious consideration.

The other point I wanted to make was this one. Last year I suggested to the Attorney General—I don't know whether I suggested it to the Solicitor General or not—that we're placed under some substantial difficulty when we come to discuss the estimates merely on the limited items that we see in this book. I made a plea that we should have available to us something like the black book which each minister comes in with, which gives the details.

**Mr. Lawlor:** I have already done that.

**Mr. Singer:** Did you?

**Mr. Roy:** Yes.

**Mr. Singer:** Oh all right. The Attorney General came forward with a red book. When my colleague, Mr. Haggerty, got into these figures, which I intend to pursue a little further when we get into the second vote, it was quite obvious there isn't enough information here. The minister hasn't, as yet, given the details as to why this fantastic jump has taken place. It would make it much easier for those of us who attend these estimates.

**Mr. Chairman:** The suggestion has been made.

**Hon. Mr. Kerr:** I have received a copy.

**Mr. Lawlor:** Just along those lines, I have a comment. This is my last comment on this item in this vote. It is in connection with the

way they have the estimates laid out. I won't take exception to that, but when the minister submits his report it's completely chaotic in the alignment from one to the other. I would ask that some regard be given to bringing your report into line with the layout of the estimates so that we can follow them, not necessarily one after the other, but not jumping all over the place.

**Mr. Chairman:** Thank you for your observations. Mr. Roy was trying to say something on this point, I believe.

**Mr. Roy:** Yes, on this particular item, Mr. Chairman, when I'm trying to decide which item to go into on the question of policy I can't see any other place but the minister's office when you're dealing with policy and you are involving many police departments. I couldn't raise it in the Ontario Provincial Police because—

**Hon. Mr. Kerr:** Really, if it deals with policing, I would suggest that it be under either 1503 or 1504.

**Mr. Roy:** Yes, but some of these items deal with law, or policing, and this type of thing. Maybe you can cut me off, but the points I wanted to make with—

**Mrs. Campbell:** Don't invite him.

**Mr. Renwick:** He wouldn't cut you off. He may provide you with some guidance.

**Mr. Roy:** One of the things, Mr. Minister, that I raised in the House with your predecessor on a number of occasions, and in the last estimates, and which has come to light again very recently is—there was an article in yesterday's paper about it—apparently the police forces in this province, and more specifically in the Metro area, are being accused of not co-operating with the Ontario Legal Aid Plan and their free night-time dial-a-lawyer service for people arrested between the hours of 5 a.m. and 8 a.m. According to the civil liberties people—and they made a brief available to the Legal Aid authorities just yesterday or the day before—some 40 people who were interviewed in April said that the Metro police never told them that when they were questioned they were entitled to free legal advice by telephone. The Canadian Civil Liberties Association protested this. In fact, I think they want to get in touch with you. They want you, as Solicitor General, to tell all police forces where the Legal Aid service is instituted to inform arrested persons in clear terms of their right to counsel, and of avail-

able legal advice at the earliest practical moment after arrest.

This, in fact, is a matter I raised in the House following a ruling of the Supreme Court of Canada in relation to the new breathalyzer legislation. An individual had challenged the fact that he was being charged with refusing to take the test. And he said he was not refusing to take the test, but asked to see his lawyer first.

The judge of the Supreme Court of Canada ruled, as I recall it, that an individual was allowed under the Canadian Bill of Rights to consult his lawyer prior to any self-incrimination.

There are limitations to this. I recall a later case before the Supreme Court of Canada in which there was a ruling that arrested persons cannot 'shop around' for lawyers. The person involved in the second case had tried to get a lawyer. I think the lawyer told him at the time to "blow" and he wasn't satisfied with his advice. He wanted to find another lawyer.

**Mr. Chairman:** Are you thinking, Mr. Roy, in terms of this paper: Synopsis of the Findings of the Commission on Police Reform—

**Mr. Roy:** No. That is a different topic. Although I intend—

**Mr. Chairman:** I am just wondering if we are getting off the track here, and whether you should be under 1503 or 1504.

**Mr. Roy:** Well, 1503 deals with supervision of police force programmes.

**Mr. Chairman:** And the Ontario Police Commission.

**Mr. Roy:** And the Ontario Police Commission, but that is not—

**Mr. Chairman:** The administration programme of the Ontario Provincial Police is dealt with in 1504.

**Mr. Roy:** Yes, but 1504 deals with the Ontario Provincial Police, and I'm talking here about the Metro police. I am talking about the Ottawa police. I am talking, in fact, about the RCMP. I feel that if I'm in an area of policy emanating from the minister's office, I am restricted to talking about the Ontario Provincial Police, but what I am discussing is a problem common to all police forces across the province. And I can't think where else I might raise this particular issue. The point I want—

**Hon. Mr. Kerr:** Are you going to be here tomorrow?

**Mr. Lawlor:** Item 7.

**Mr. Roy:** I want to question the minister on his feelings about this. I've raised it with your predecessor, and in fact, the Metro police have co-operated with the Legal Aid Plan to set up this system. But the system is not going to be of much use if the police don't advise individuals.

In other words, what it boils down to is this: If an individual is informed of his rights, there is no problem. He's allowed to make a telephone call and contact a lawyer if he is held in custody. This is hung up—

**Hon. Mr. Kerr:** In every police station.

**Mr. Roy:** Yes, but how do you intend to deal with the allegations made by the Canadian Civil Liberties Association that in fact it might be possible to question a fellow in a room where that sign is not up?

Do you not feel that if the police are involved in setting up this system—and this is a right, incidentally, that is legislated in our Canadian Bill of Rights and has been supported in fact by the Supreme Court of Canada—that in that case not only those people who know about this can ask about it, but also those who do not know about it of their own knowledge would be able to take advantage of it; because they would be advised about it by the police?

I wonder if the minister might consider contacting various police departments—including Metro, the OPP and the police in various centres—and telling them that they should try to make this plan work. If it is going to work then there is an onus on the police to advise individuals of their rights.

**Hon. Mr. Kerr:** Yes, this was as a result, as the hon. member knows, of a submission to the task force on Legal Aid. The civil liberties group have made this submission before. It is my understanding that when a person is first questioned there is a sort of an investigatory stage where certain questions are asked. Then, if there is any possibility that a charge will be laid, that person is advised of his rights.

The information I get is that basically the judges' rules are followed in this procedure. A person is warned that anything he may say may be taken down in evidence. He is advised about Legal Aid.

**Mr. Lawlor:** Advised often too late, which can breach the rules.

**Mr. Haggerty:** Most of them—not all of them.

**Hon. Mr. Kerr:** There are these signs—and the actual signs are much bigger and posted in various places in our police stations, and I believe in our courthouses. There is also a pink slip regarding the Legal Aid duty counsel which is handed to the accused. I'm advised that the Metro police feel that the criticism in the Toronto Star article may have been valid a few years ago but it's greatly overstated as of today.

**Mr. Roy:** In fact, that survey was done in April, so that's fairly recent. According to the people that survey is a very recent thing.

**Hon. Mr. Kerr:** The information I get is that there is always permission to make phone calls, that the right to counsel is made known to the accused, and that a warning is given to the accused in the event there is the possibility of charges being laid.

I don't know how accurate the survey of the civil liberties group is. They questioned 40 or 50 accused people. Whether all of them were complaining about the same thing, or if one step in the whole procedure was omitted as far as each one was concerned, I don't know. But I don't think that's a problem in Ontario today.

**Mrs. Campbell:** It is a problem.

**Mr. Roy:** Well, they said that in the latest survey, 34 of the 40 randomly chosen people arrested between 5 p.m. and 8 a.m. said they were questioned by police, yet not one of them consulted counsel before interrogation.

**Mr. Singer:** Did you ever try to find one of those fellows in the middle of the night?

**Mr. Roy:** My personal experience, Mr. Chairman, is that the police, as a matter of policy, generally will question someone and usually get some incriminatory statement. Once they've got that, then they advise the individual about counsel. It's usually done after. There's a fine line there between questioning someone and finding out whether there's any involvement, then proceeding to get a full statement.

**Hon. Mr. Kerr:** That's right.

**Mr. Roy:** Every time the police question somebody, they shouldn't be saying: "Just before I ask you a question, I think you should have a right to counsel." I don't think that's the situation. But once they see that he is a potential accused and has potential in-

volvement, they shouldn't wait until after they've got an incriminatory statement from him to tell him about his rights.

**Mr. Lawlor:** And that's what the judges' rules say.

**Mr. Roy:** Yes, that's right. But the minister's predecessor seemed to have great apprehension about that, and he seems to be hedging in the same way. He's afraid to send out directives from his department saying to the police what his policy is on that and how it should be followed. And I can tell him that if there is any policy, it's not well known among all the police forces across the province.

**Hon. Mr. Kerr:** I don't mind—

**Mr. Renwick:** Mr. Chairman, before the minister replies, I would like to just comment on this problem. This is not a problem of the individual policeman or the individual police force. The problem lies right where the minister is sitting. There's no question about that.

There is a lack of uniformity and a lack of clarity across the province, and certainly in Metropolitan Toronto, with respect to the rights of persons at the point in time when they are arrested. This is the crucial point. There's no point, several hours or an hour after the person has been apprehended, at the point in time where he's taken to be questioned by the detectives with a view to obtaining a confession from him or a statement from him about matters related to what he is charged with, and then to warn him. That is not the point.

The point in time is the time at which the arrest takes place. There should be a directive, a policy from the Solicitor General through the police commission, if that is the route by which it is done, to every police force in Ontario, that a person, when he is arrested, is to be told the following—not this polite little note about whether you want to draw up your will while you are in custody or not.

I just happen to think you have got to establish that the judges' rules are not a matter of give or take. The revised statement of the judges' rules in the recent edition of Phipson's Law of Evidence are up-to-date. They appear to be quite adequate and it would appear to me that by a directive you could establish the kind of uniformity you wish to have, and that you yourself and your predecessors have always said was part and parcel of all police training. But until you do it effectively, by regulation, then you are going to have this form of continuing criti-

cism the Civil Liberties Association has come up with.

**Mr. Chairman:** I wish to correct that for the record, Mr. Renwick. You have incited the interest of Mr. Roy. The notice doesn't say anything about drawing a will. It says: "You will be able to speak to a Legal Aid duty counsellor," not that the Legal Aid duty counsellor will draw your will.

**Mr. Renwick:** No, but it says if you need legal advice.

**Mr. Chairman:** I appreciate the comment and the point that you are making.

**Mr. Renwick:** Thank you.

**Mr. Lawlor:** I don't think, with respect, that the point is point of arrest. I think the judges' rules say that when a police officer, "after investigation" is the usual word, that involves interrogation, comes to the conclusion that he has adequate grounds upon which to lay a charge, at that particular point is the point where the warning must take place. The arrest may subsequently follow. The interrogation to which we object is when he has obviously made up his mind now he wants him to sign a statement. Now he wants some kind of statement from the accused which is—

**Mr. Roy:** Well, the iron is hot, you see. He has got the guy talking and of course he wants to follow through.

**Mr. Chairman:** Mr. Roy, Mr. Lawlor had indicated he completed his remarks in connection with item 1 and now you have him interested in this—

Interjections by hon. members.

**Mr. Chairman:** I presume he is exhausting his comments in regard to item 7 of vote 1505. Excuse me, Mr. Minister, did you want to deal with this very part?

**Hon. Mr. Kerr:** Well, just on item 1, as far as I am concerned I am willing to make sure that these nine rules are made available to every police officer in the province as a directive.

**Mr. Renwick:** As a directive? That's a magnificent achievement. We've been after that for years.

**Hon. Mr. Kerr:** Well, when a police officer is endeavouring to discover the author of a crime, there is no objection to his putting questions in respect thereof to any person or persons, whether suspected or not, from

whom he thinks useful information may be obtained.

**Mr. Roy:** I don't disagree with that.

**Mr. Renwick:** There is also, of course, the relative part that there is no requirement to answer, you know, up to the point to which you are—

**Hon. Mr. Kerr:** Of course; the accused doesn't have to say a word except—

**Mr. Renwick:** But you know, you have a duty as a citizen to co-operate with the police in the investigation of a crime.

**Mr. Roy:** Well okay; the second point I wanted to make on this item, Mr. Chairman, it might have been related to gun control, but there is an aspect which is of great concern and involves all police forces again, and that is in relation to an item which appeared in the paper and which we heard about in this area back in April of this year, April 17. That is the question of arms for Ulster seized on raids on Metro homes. I can recall about six months to a year—

**Mr. Chairman:** Does that come under the main office?

**Mr. Roy:** Well, that's a question of policy—

**Mr. Lawlor:** Don't drag Ireland into this.

**Mr. Roy:** Well surely, where else am I going to raise it? It doesn't involve the OPP—

**Mr. Chairman:** Does that take place under the main office, Mr. Minister?

**Mr. Roy:** Where else will we get the information? You see, I don't know—

**Hon. Mr. Kerr:** You'll have to stay tomorrow.

**Mr. Roy:** But would you tell me where I would fit this in?

**Mr. Renwick:** Tomorrow morning, in the fire marshal's office.

**Mr. Roy:** My question is relatively brief, Mr. Chairman. I would like to get it out of the way.

**Mr. Chairman:** Continue, Mr. Roy. I know it will be a very worthwhile point.

**Mr. Roy:** I am usually very brief, you know, Mr. Chairman.

The point I want to make at this stage is, as you know, arms were seized in Metro homes that were destined for Ulster. Some

time ago, about six months or a year ago, I read different articles about groups who were sympathetic to one side or the other in the unfortunate dispute in Northern Ireland. I was just wondering whether you can enlighten us on this aspect, whether you are on top of this situation and keeping an eye on this question.

I notice here that it was the RCMP who made the seizure. Do I take it then that this is something that is relegated to the RCMP and is not involving any of your police forces? This is a serious problem where you have a potential source of arms coming from this province or this city destined for a very flagrant or volatile situation like you have in Ulster. I was just wondering whether you could tell us whether you are looking into this.

**Hon. Mr. Kerr:** My understanding of the particular incident that you are talking about is that there was some suspicion there was a source of these arms somewhere in Canada and possibly this province. I'm going to ask Commissioner Graham to comment. My understanding is that there was a joint force operation that affected this area. This is where the RCMP was the municipal police and the OPP, particularly their intelligence squads, co-operate. As a result of combined efforts the seizure took place. Would you like to comment on that, commissioner?

**Mr. H. H. Graham** (Commissioner, Ontario Provincial Police): Yes, Mr. Minister. In that particular case it was not a joint force operation. We do have our joint force operations on many organized crime matters. But in this particular case information was received by the RCMP through overseas sources. It was relatively not simple but reasonably easy to trace the point at which the firearms were subsequently found. Only the two forces were involved.

**Mr. Roy:** I see. Are your people concerned about it? I shouldn't say concerned, because that's a word that is misused in the House every second day when somebody is answering a question.

Do you have any information about it? I don't want you to start releasing confidential information, but can you see that as being a problem in this province? Some of the articles that I have read indicate you have large groups that are very sympathetic to one side or the other, and usually they are pretty intense about their support or their sympathy towards either group. Are you keeping an eye on it and are you looking at this situation?

**Mr. Graham:** Yes. That was an isolated case, I think, as far as Toronto is concerned, but there is another area of the province where we have had surveillance and have made investigations; and we are still keeping an eye on it.

**Mr. Chairman:** Does that complete your remarks?

**Mr. Roy:** Yes, except for one final remark I wanted to make.

**Mr. Chairman:** You have more final remarks than anyone I know.

**Mr. Roy:** No, I said I had three and I am proceeding to the third.

**Mr. Chairman:** This is still on vote 1501, item 1?

**Mr. Roy:** Yes. This point was something that was given to you, Mr. Minister. It deals with your statement about a complaint bureau, on the police, and my suggestion to you that your ministry should set up, not a system where you have a complaint bureau for individual forces and you have police investigating themselves, but you should have a complaint bureau at the provincial level where people can make a complaint where the investigation appears at least to be objective or at least independent of a particular police force.

It relates to the point made earlier by Mr. Lawlor dealing with the Ontario Police Commission and your involvement when you have problems with different police forces, and the lack of enforcement which seems to be emanating from your office. Some of the complaints are in this brief which was handed to you, and I don't intend to go into any detail on it. I want to give you an opportunity to read it and to look at some of these complaints that are made in this particular brief.

Surely this is something, Mr. Minister, you should look at—setting up a complaint bureau at the provincial level which would have jurisdiction to look into complaints of all police departments, including the OPP. You recall in your statement you mentioned that you wanted to set something up only for the OPP, as I understand it.

**Hon. Mr. Kerr:** It is set up.

**Mr. Roy:** Yes, it is set up. I was suggesting that this should be done on a province-wide basis for all police departments, because you have problems, such as in Toronto. Apparently the washrooms in one of the

stations here is a favourite spot for—how shall I put it?—apparently when a policeman mentions the washroom to some potential suspect they usually get co-operation from him. Whether there is any substance to it, I don't know. I think it should be brought to your attention and I think you should look at some of the complaints compiled here in the brief.

**Mr. Chairman:** Would that be the summer complaint you're talking about?

**Mr. Roy:** Summer complaint?

**Mr. Chairman:** You're talking about the washroom and some complaints.

**Mr. Roy:** No, I wasn't trying, actually, to be humorous here, because I have a statement from a young lad, dated April 24, 1974, in which he was arrested and apparently taken down there. The police asked him if he was familiar with the washroom and he said:

When we arrived we were all seated in this room directly across from the washroom. Then I was told to come into the washroom and the cop said to me; "I suppose you hear stories about what goes on in this washroom?" I then received a flat blow to the ribs while this cop was calling me a liar and all this.

The washroom is an area which has been mentioned to me on a number of occasions when these complaints have been made.

But the other point related to this, Mr. Minister, is the fact that files had been kept on individuals. The question I want to ask related to this is that when the police keep files on juvenile delinquents, are the files destroyed when these people reach 16 years of age? The reason I ask this is that apparently, in Metro Toronto last year, the Toronto police were in contact with something like 43,000 juveniles. Apparently a file is opened at first contact with any individual, including juveniles, and you can imagine the fantastic amount of files that are accumulated over a period of years if contact is made.

**Hon. Mr. Kerr:** How do you mean? Do you mean juveniles who have been convicted of an offence?

**Mr. Roy:** No, no. Any time there is any sort of an investigation—questioning, or anything—a file is opened. That's what I'm talking about. Of these 43,000 contacts, apparently they involved 33,000 offences committed. And as you know, a juvenile is not considered to have a criminal record or he cannot commit a criminal offence until, with

certain exceptions of course, he's 16 years of age. You can't look at his juvenile record if he goes into adult court. I was just wondering if the police, in fact, destroy the file when he reaches the age of 16, or do they keep all these files on hand?

The second thing, related to a point that I made earlier, is the fact that individuals are hurt because of records or misinformation in files. Have you ever contemplated whether or not an individual, who feels that the police have something on him or that he's suspect, be given any opportunity to check with the police to see what the information is, and if there is wrong information he has an opportunity to correct it?

**Hon. Mr. Kerr:** Well, I would say yes. And again I would refer this to Commissioner Graham as far as the OPP is concerned. But certainly it is the policy of the Provincial Police that anybody who assumes he or she has a record, that that information can be made known to them. If it's wrong it will be corrected. Looking at the area that you were reading from, you say that approximately 33,000 offences committed by juveniles were recorded, but only approximately 5,100 cases were taken to court.

**Mr. Roy:** Right.

**Hon. Mr. Kerr:** I would suggest that probably the only records kept would be those that were taken to court.

**Mr. Roy:** No, that's not the case though.

**Hon. Mr. Kerr:** Well, are you saying that these records and these files are kept for all time?

**Mr. Roy:** Well, that's what I want to know. Are they destroyed after age 16?

**Hon. Mr. Kerr:** Would you like to answer that, sir?

**Mr. Graham:** Mr. Chairman and sir, can we take a case of two or three juveniles who are suspected of an indecent assault, or there's a complaint about them? There is a police investigation and a charge is laid and they appear in juvenile court. No matter what the outcome is, the file does stay in our files under crime reports.

**Mr. Roy:** Whether they're acquitted or not?

**Mr. Graham:** Yes. It would be almost impossible to purge the files every time a young chap became 16.

**Mr. Roy:** You say it would be impossible? So the file is kept there for all time?

**Mr. Graham:** Yes.

**Hon. Mr. Kerr:** That's if a charge is laid and then there is an acquittal or a conviction?

**Mr. Graham:** No, regardless sir. If there's an investigation and a criminal file is created, that file is retained. Not for public purposes, but—

**Mrs. Campbell:** For whose purpose?

**Mr. Graham:** For police department purposes.

**Mr. Roy:** Even if there is just an investigation, it's kept for all time?

**Mr. Graham:** Yes. It must be a matter of importance, of course, or it wouldn't become the subject of a criminal file.

**Mr. Roy:** Well yes. But I mean if you just investigate someone and you feel it's not important enough to lay a charge, you keep the file anyway don't you?

**Mr. Graham:** Well, it depends upon the degree of the case. If it's a rape case or—

**Mr. Roy:** But you see we're playing in a very dicey area. You say whether he's acquitted or convicted you keep the file. You keep it for all time.

**Mr. Graham:** Yes.

**Mr. Roy:** And in fact if it's a serious enough investigation, whether there's a charge laid or not, you keep the file?

**Mr. Graham:** Yes.

**Mr. Roy:** Right?

**Mr. Graham:** That's right.

**Mr. Roy:** And it's kept for all time?

**Mr. Graham:** Yes.

**Mr. Roy:** Now is there an opportunity for an individual to check with the police as to whether they have a file on him? If I went to you and said, "Do you have a file on Albert Roy?"—could I see the information?

**Mr. Graham:** You could ask us and we would tell you whether we had a file or not. But that's where it would end.

**Mr. Roy:** That's where it would end. You wouldn't let me see what you had in that file?

**Mr. Singer:** The commissioner is only talking for the OPP, not for the local forces.

**Mr. Roy:** Commissioner, are you saying that it would be impractical for you, for instance, if a fellow just had an investigation or if you had a file on an individual and he was, in fact, acquitted, to get rid of the file; to destroy the file, or destroy it after he becomes 16 years of age?

**Mr. Graham:** Well, in the case of fingerprints, if a man is acquitted and he requests his prints returned, we return them.

**Mr. Roy:** But only if he requests?

**Mr. Graham:** Yes.

**Mr. Roy:** If he doesn't request it you keep them?

**Mr. Graham:** That's right.

**Mr. Roy:** Well shouldn't you destroy these automatically?

**Mr. Graham:** No, I don't think so.

**Mr. Roy:** Yes, but he's deemed innocent. Why do you—

**Mr. Graham:** Well he was charged.

**Mr. Chairman:** You're being argumentative, Mr. Roy. I think the commissioner has given you the answer to your question.

**Mr. Graham:** He was charged with an indictable offence to begin with; we don't want to overlook that fact.

**Mr. Roy:** Oh yes, but you take fingerprints sometimes in impaired cases don't you, when the Crown attorney has a choice between going to an indictment or a summary conviction? Right?

**Mr. Graham:** Sometimes.

**Hon. Mr. Kerr:** Not an impaired case, surely.

**Mr. Roy:** Well I've seen them on impaired cases take fingerprints and photographs. In any event, even though he's acquitted and was deemed innocent—because you know how our system of law works, that even though you're charged you're deemed innocent until you're proven guilty—if he's acquitted you only send back his prints upon his request.

**Mr. Graham:** Upon his request.

**Mr. Chairman:** And all of this is done in the main office, is it? Under item 1?

Hon. Mr. Kerr: No, in the OPP.

Mr. Roy: No, it's a—

Hon. Mr. Kerr: Not the main office.

Mr. Roy: I'm looking to the minister for—

Mr. Chairman: I appreciate that, Mr. Roy, but I think we've had sufficient latitude. We're getting into an area that is outside item 1, in my estimation; and I think we should—you know this is the second day we've been on item 1 and I think we should confine our remarks as much as possible to this item.

Mr. Roy: Yes, but with great respect, we are dealing with matters of great importance and I don't know where else to fit them other than talk to them here.

Mr. Lawlor: Yesterday, we said 1504.

Mr. Roy: Yes, but 1504 doesn't deal, for instance, with the Ottawa police; it deals with the Ontario Provincial Police.

Mr. Lawlor: You are not dealing with the Ottawa police now.

Mr. Roy: Yes, but if the commissioner wants to answer my question, we have to have some logic in the way we proceed.

Mr. Chairman: That's what we are trying to do, to confine ourselves to this particular vote and this particular subject.

Mr. Roy: You are going to slip out of a really dicey situation because of a wrong vote.

Hon. Mr. Kerr: No, we are not going to.

Interjections by hon. members.

Mr. Renwick: He has already ruled that it will come up under 1504.

Mr. Lawlor: That's right.

Mr. Chairman: We are not cutting out any discussion on any of the areas; they will get in under one vote or the other, but I think we have made this item too elastic, that's all.

Mrs. Campbell, did you have comments on item 1?

Mrs. Campbell: Mr. Chairman, I would like some direction, if you can give it to me, on where we can discuss the matter raised by the minister in his opening remarks; that is the private policing system. I cannot find it in any votes. I did not lead off therefore I didn't speak to it; but I am concerned about it.

Mr. Chairman: You mentioned that, Mr. Minister.

Hon. Mr. Kerr: That would be under 1504 as well, registration branch.

Mr. Chairman: I think you mentioned 1504.

Mr. Roy: You'll try to deal with 1504 tomorrow!

Hon. Mr. Kerr: If you are not here, yes!

Mrs. Campbell: Vote 1504?

Mr. Lawlor: On a point of order, Mr. Chairman, I had thought that could very well be dealt with in the task force on policing as there are numerous recommendations with respect to private security officers.

Mrs. Campbell: I don't know. By definition, what I am concerned about is not so much the Canadian private security officers as I am the importation of American firms into the business, the relationship between them and the matter we discussed the other day under wiretapping.

Mr. Chairman: Mrs. Campbell, if we could clarify that point so that when we reach the proper item and vote, there will be no doubt that is where it will be discussed.

Mr. Minister, I think you mentioned on our last day, vote 1504?

Hon. Mr. Kerr: Item 1, 1504, Mrs. Campbell.

Mr. Chairman: Could you make a note on that? When we reach item 1, vote 1504, we will have a full discussion of that particular subject.

Mrs. Campbell: That is where I can also raise the matter, not of wiretapping but other devices in connection with these?

Hon. Mr. Kerr: Yes.

Mrs. Campbell: All right.

Mr. Chairman: Mr. Renwick.

Mr. Renwick: Mr. Chairman, I really have five laconic questions to ask the minister. I will ask all five of them—they are on different topics—I think perhaps he can answer them very briefly.

Will the minister take up with his colleague, the Minister of Colleges and Universities (Mr. Auld), the whole question of police forces on campuses, with a view to their integration with the regular police forces in order that we do not run into further

incidents such as those which have taken place recently on the campus of the University of Toronto? I think it is a matter of sensitivity in the traditional views of the universities, but it seems to me it is a matter which you must deal with in consort with your colleague. All I am asking is, will you agree to discuss the matter with him with a view to coming up with some kind of a solution to this problem?

**Hon. Mr. Kerr:** You say the integration of police forces?

**Mr. Renwick:** The elimination of the traditional campus police and the inclusion of the Metropolitan police. It seems to me that a campus such as the University of Toronto campus, recognizing the sensitivity of the academic community to this kind of question, should at this point in time be under the supervision of the Metropolitan Toronto Police and not under the traditional campus police who cannot deal with and shouldn't be expected to deal with the kind of incident which occurred recently at the University of Toronto. Would you discuss it with your colleague and perhaps at some point, either now or a year from now, make some further comment about it? I think it is a serious matter.

**Hon. Mr. Kerr:** I want to tell you I was under the impression that most students and student groups resent to a great extent the presence of the Metropolitan police force on the campus.

**Mr. Renwick:** It may very well be. As a matter of policy, however, we cannot tolerate on the campus of the University of Toronto the kind of sudden flareup which took place in the anteroom area of the medical building.

**Hon. Mr. Kerr:** I would be happy to discuss that—

**Mr. Renwick:** That kind of behaviour cannot be tolerated, and traditional academic attitudes have got to be resolved in relationship to the overall need of the community. I think it is a province-wide problem, because I think the tradition of campus police is on all of the campuses of the universities throughout the province. I can't swear to that.

**Mr. J. P. MacBeth (York West):** On that point, may I ask what powers the campus police have and how they differ from the ordinary police force, such as a municipal police force or provincial?

**Hon. Mr. Kerr:** They are employees of the institution. They take their direction from the

administration. You may correct me on this—Mr. Bell maybe would like to comment—but they are, I think, a form of private police really, but are in fact public to the extent that they are a public institution.

**Mr. Haggerty:** You mean they have the same powers as the police officers?

**Mr. MacBeth:** They don't have the power to carry arms or anything like that, do they?

**Hon. Mr. Kerr:** No.

**Mr. E. D. Bell (Chairman, Ontario Police Commission):** They are special constables under the Police Act and they have the powers of a peace officer. We have always taken the position that the overall responsibility in a municipality lies with the municipal police force. They aren't just allowed high, wide and handsome to enforce the criminal law in the same way as a municipal policeman, but they do enforce the bylaws of the institution in much the same way as bylaw enforcement is carried out in a municipality.

**Mr. Haggerty:** The Niagara Parks police force have broader powers than that, do they not? I think they do carry arms. I could be wrong. Do they or do they not?

**Mr. Bell:** Let me say that your Niagara Parks force are also special constables. Under the Criminal Code a special constable is not prohibited from carrying arms, save and except in his appointment, which is made either by a provincial or a county court judge. There is quite commonly a restriction in his appointment as to his right to carry arms.

**Mr. MacBeth:** Do any of the campus forces have the right to carry arms?

**Hon. Mr. Kerr:** I would assume that if they are a special constable, it would depend on what authority they were given under the Act.

**Mr. MacBeth:** They could have?

**Mr. Bell:** They could have.

**Mr. Singer:** We're getting into a bit of a technical wrangle there.

I am inclined to agree with what Mr. Renwick says. Unless the University of Toronto campus police have changed since the days when I used to go there, they are nice elderly gentlemen who walk around telling you where you can park and where you shouldn't park and that sort of thing.

**Mr. Lawlor:** Everything has changed since then.

**Mr. Singer:** That may well be since Renwick and I were there. Have you noticed the U of T police? Are they any different than they used to be? Maybe they just seemed older when we were younger.

But where there is a difficulty is that I think it is wrong that the Metropolitan Toronto police should have to wait to be invited in where there are in fact apparent breaches of the peace or breaches of the Criminal Code. I think they should have a duty and responsibility to enforce the law within the University of Toronto campus the same as they do at the corner of King and Yonge Sts. If that's what Mr. Renwick is getting at, I agree with him.

**Mr. Renwick:** That's right, and I think we have to recognize that it's a sensitive matter with respect to the academic community, certainly in the traditional universities. It has to be resolved, in my view; and you forestall a problem elsewhere if you face up to and deal with that problem reasonably promptly and in a co-operative way with the universities.

**Mr. MacBeth:** They have an advantage in that they have perhaps a little more tolerance and a little more understanding of the student mind than perhaps the Metropolitan police force might have. That's the only hesitation I might have.

**Mr. Renwick:** I don't think it's a question of tolerance when you come to the kind of sudden interruption which took place at the medical building that day. That was a deliberately planned sudden flareup of destruction.

**Mr. Chairman:** Complete your other four points, Mr. Renwick.

**Mr. Renwick:** Yes. My second question: Will the minister comment with respect to the relationship of his ministry and the ministry of the Hon. Otto Lang with respect to the promulgation and putting into force of the federal wiretap legislation? Can he say whether or not he is satisfied with that legislation; whether you have any reservations about it or whether you've been making any recommendations to the minister in Ottawa about it?

**Hon. Mr. Kerr:** As I indicated in the opening statement, the Ontario Police Commission and the OPP are getting ready for the day that it will be proclaimed. They are familiariz-

ing themselves with the steps that have to be taken to comply with the Act. This is being made known to all the forces in the province.

I'll have the commissioner comment on this, but I believe there will be arrangements covering the procedures involved in making applications for authorization for a tap. For example, as the hon. member probably knows, the province had indicated that we felt the Attorney General should be giving authorization rather than a county court judge, but the minister in Ottawa has not seen fit to accept that proposition.

There is some concern, naturally, by the police, that it may affect the type of surveillance they have been able to conduct in the past, which has been useful to them in obtaining convictions as a result of this type of surveillance.

I think they are particularly concerned about the 90-day provision. It will mean, of course, that if no charges have been laid at the end of that period there will have to be a re-application to continue the surveillance. They are concerned about the fact that people, particularly shall we say those people who may be part of an organized conspiracy or an organized criminal element, have to be notified that they have been under that surveillance. There is concern about that.

But I think, naturally, being good police officers, they are prepared to abide by the law. I might again say, one of the concerns is the confidentiality of the application for a wire tap. I realize these are ex parte applications, but you know a lot of people know what's going on in the courtrooms in this city and the province, and if there is an application and an authorization for a 90-day period and that expires and there is another application, those are activities that could become known to those people in our profession who are acting on behalf of people who have been charged with criminal offences; so that information may not be all that confidential. I realize these may not be considered legitimate objections, probably these are more personal objections and remarks that I've heard.

**Mr. Renwick:** Perhaps, Mr. Chairman, I could shorten this, because I was thinking more of a more specific question really. Are there any unanswered submissions by this government to the Hon. Otto Lang or the Hon. Walter Allmand?

**Hon. Mr. Kerr:** No, no.

**Mr. Renwick:** So as far as you are concerned, the matter is now closed and you await the proclamation of the bill and its implementation?

**Hon. Mr. Kerr:** I should mention one other thing, and that is we felt that really the Solicitor General rather than the Attorney General should be the person in the province who has the role that is set out in the bill as far as the Attorney General is concerned.

**Mr. Roy:** That's what I suggested.

**Hon. Mr. Kerr:** Yes, the federal government doesn't seem to recognize that in some provinces there are Solicitors General, and that point was made known to Mr. Lang, and of course the point I mentioned earlier about the application to the Attorney General.

**Mr. Roy:** Just on that point, were you not concerned about the point that I made about your judges being on police commissions where the police will be applying for that authority?

**Hon. Mr. Kerr:** Well, that's a different subject entirely.

**Mr. Chairman:** We have already discussed that. Mr. Renwick had five points to make and he's only completed two.

**Mr. Renwick:** Mr. Chairman, I would like to specifically ask that you make uniform throughout the police forces in the Province of Ontario the question that on request—I'm prepared to leave it on request—the police forces will furnish to a person, who has been acquitted or against whom a charge has been withdrawn or a charge dismissed against him, and will make available for destruction photographs and fingerprints which have been taken by the police.

I know that to be the case in the Metropolitan Toronto police at the present time. It didn't used to be that way, but it is now and I understand from the commissioner it now is the procedure in the Ontario Provincial Police.

I have correspondence which would indicate in the city of London, for example, that is not so. I think a directive should be put out to simply state that in those events a request by the citizen for their destruction should be honoured. In the city of Toronto you can attend at the police office and see that the fingerprints and the photographs are destroyed. I assume that also means that in the case of the fingerprints and photographs which have been dispatched to Ottawa, in

those cases where they are dispatched the copies of them would also be destroyed.

All I'm asking is that the matter be made uniform throughout the province, and it be established clearly as to what the citizen's position is in connection with it.

My fourth point is, and I assume there is no such document, would you reduce to some written form a memorandum outlining the relationship between the police forces in the Province of Ontario and the jurisdiction within Ontario of the Royal Canadian Mounted Police. I think the two have lived side by side. I think it requires a certain rationalization from your point of view as to what exactly the legitimate policing role of the Royal Canadian Mounted Police in the Province of Ontario may be in the division of authority, so that it will be clear to you what the *modus operandi* of the police forces are.

I'm not suggesting they are watertight. They are obviously co-operative and in some areas overlapping. I think it is extremely important that be done, having particular regard to the special responsibility which appears to inhere in the Royal Canadian Mounted Police with respect to something called subversive activities.

I am very much concerned about that, because any reading which I have made of the Act constituting the Royal Canadian Mounted Police force, and any correspondence I've had with the Minister of Justice in Ottawa, would indicate to me that the state, in the traditional sense of the word, believes itself to have some inherent jurisdiction to have a police force which is engaged in the investigation of something called subversive activities. But you can't find in the statute the authority for it that I know of, unless you can relate it to an investigation of crime; and that is not the way in which it is related.

It is almost a special activity of the Royal Canadian Mounted Police. It appears to have no statutory jurisdiction or authority in any layman's sense of the word, or indeed of any reasonably knowledgeable legal person who wants to take the trouble to ascertain it. It seems to be the inherent power of the state that they have this subversive investigative power and that they provide the funds for that purpose in all jurisdictions. I think from our point of view you should have some clear understanding or some clarification of that relationship in all fields, but particularly with respect to the jurisdiction of subversive activities.

My last comment is that your colleague, the Provincial Secretary for Social Develop-

ment (Mrs. Birch) has withdrawn, for reasons apparently best known to her, this question of the protection of women employees on leaving work at night-time to return home. She has withdrawn or is intending to withdraw that protection, disguised apparently as some enhancement of the rights of the equality of women with men.

I'm asking you a specific question, not whether you agree with your colleague's view, but from the point of view of the police whether they have a concern about the withdrawal of that protection, whether it adds to the burden on the police and whether the specious claim that in some way or other it has something to do with establishing the equality of men and women in the days of women's liberation has any real significance in terms of violence or potential violence on the streets of the city and in the province.

**Hon. Mr. Kerr:** In my very informal conversations with the police, they have expressed concern that this would be changed. Now I realize that the motive behind the proposal to change of the law, as you have said, I think basically originated with the Status of Women Council. In order to balance things a little bit, I suppose, they feel there is discrimination in favour of women and they don't want that sort of so-called tokenism. However, the fact is that men and women are biologically different, physically different and—

**Mr. Roy:** Good point there.

**Hon. Mr. Kerr:** Vive la difference, eh!

Really, I think, as the hon. member suggests, this could cause more concern to the police. Now there is the proposition, of course, that when the day comes when women are paid the same wages for the same work in all occupations, they will be able to afford that cab; I don't know, but I think—

**Mr. Renwick:** Eight or nine dollars a night?

**Hon. Mr. Kerr:** Yes; in being realistic I think there is a very good reason for not changing it, and I don't know just how far the proposition will go. Certainly there will be a formal submission on behalf of the police before any change is made.

**Mr. Renwick:** I just want to say, I am indebted—my colleagues in the Liberal Party will be glad to know—to a brilliant address made by Miss Judy LaMarsh last Saturday morning at a conference attended by some

600 women at Humber College on questions related to women and the law.

In the course of her remarks, when she was speaking about the changing attitudes, she said that it appeared to her to be unnecessarily threatening to women to suggest that the advancement of the aim of equality between men and women in the whole range of the problems which were involved, should be initiated by this government as its first step, or one of its first steps, by withdrawing a protection; and the withdrawal of that protection can only be a sense of a threat.

I am indebted to Miss Judy LaMarsh for the way in which she expressed it, because we all had difficulty in understanding it.

I simply want to—I haven't consulted with my colleagues about it and I am not stating party policy—but I just don't happen to believe that it's an ideological problem at this particular point. I just want to say that I think the withdrawal of that protection is ill-advised without very careful consideration. And I am not suggesting there are not work-place problems in connection with it.

I suppose if you are a man and you come out and stand at the corner of King and Yonge at 1 o'clock in the morning—it's a windy corner there—in the middle of winter, and the woman who works at the identical desk beside you, getting equal pay for equal work, walks out and steps into the cab, you may raise some questions; but I don't think that is basically the question. The question is you don't enhance the equality of men and women by withdrawing a needed protection. And I don't think we are at the point in time where the answer to it is to extend equal protection to men and women in that regard. That may come at some point. Maybe at that point night shifts will stop; I don't know.

**Hon. Mr. Kerr:** I may be wrong, but I think what happened here is that they used this as an example. It was an example that there was discrimination in favour of women. In a very broad way then they are saying this is the type of thing they want to change. And I think it sort of snowballed and they sort of zeroed in on that a little too much.

**Mr. Renwick:** There are major positive areas where advance in equality is essential, and those are the areas on which the focus of attention should be, not withdrawing this kind of protection in an area such as Metropolitan Toronto—and I am quite certain in many areas across the province. I want the minister to at least have the benefit of my

views on that question. I have no further questions.

**Mr. Chairman:** Thank you, Mr. Renwick. Are there any further comments or questions on item 1? Shall item 1 carry? Carried. Item 2?

**Mr. Singer:** Yes, on item 2, Mr. Chairman.

My colleague, Mr. Haggerty, touched on the difference in the amounts there, and I heard what the minister began to say, but I don't really understand why the estimates have multiplied by eight from 1972-1973 until 1974-1975. In 1972-1973 the ministry asked for \$71,200 for this purpose and now you're asking for \$546,800. I'd like to go through that in some detail.

**Mr. Chairman:** Yes; I believe, Mr. Singer, that the minister did mention with reference to the implementation of the task force—

**Mr. Singer:** Yes, he mentioned a whole number of categories, and I want to find out why he needs all these people now.

**Mr. Chairman:** Excuse me. He did mention the implementation of task force on policing, did he not?

**Mr. Singer:** Yes, but I just want to know what each one of these new people is doing and why the estimates have multiplied by eight in the period of two years.

**Mr. Chairman:** Would you rationalize that increase, Mr. Minister?

**Hon. Mr. Kerr:** The difference, I think you're dealing with, relates to the ministry office secretariat. Is that the specific item?

**Mr. Singer:** That's right. Item 2, vote 1501, where the estimate has gone from \$71,200 in 1972-1973 to \$546,800 in 1974-1975, which roughly has multiplied itself by eight times.

**Hon. Mr. Kerr:** The first year was basically for a part year, and a lot of this was done by the Attorney General at that time. The difference between the estimates for 1973-1974 and 1974-1975 amounts to \$381,800.

**Mr. Singer:** It has multiplied 3½ times over last year, which is more comfortable.

**Hon. Mr. Kerr:** I cannot think of any better way to explain the increase than to mention that included in that figure is \$20,000 for a communications officer—

**Mr. Singer:** All right. Let's do these one at a time. What does the communications

officer do that you didn't have someone available to do before?

**Mr. C. E. Brannan** (Deputy Solicitor General): I think I can explain that. The communications officer is responsible for the preparation and issuance of all statements and advertisements by the ministry.

**Mr. Singer:** Was there not a ministerial staff before? Let's just go back to 1973-974. Didn't the minister have a staff? Didn't he have secretaries, executive assistants and so on?

**Mr. Brannan:** He did not have a communications officer at that time—

**Mr. Singer:** No, I know.

**Mr. Brannan:** —and we previously purchased the services from a public relations firm.

**Mr. Haggerty:** That's a big item.

**Mr. Singer:** I don't really understand why—how many are in your office, Mr. Minister?

**Mr. Brannan:** In the ministry office itself?

**Mr. Singer:** Yes.

**Hon. Mr. Kerr:** If I may answer that. There are 20 totally.

**Mr. Singer:** Twenty?

**Hon. Mr. Kerr:** There are nine in the minister's office and 11 in the ministry office.

**Mr. Singer:** Is that under the new thing or in 1973-1974? How many did you have in 1973-1974?

**Hon. Mr. Kerr:** There is a total change of just three in the ministry administration, and I guess there were three in the minister's office. Is that correct? A total of six?

**Mr. Brannan:** There was an increase of five in the complement positions in the ministry office secretariat and three in the main office.

**Hon. Mr. Kerr:** Eight entirely, eh?

**Mr. Singer:** Eight. So last year you had 12, and this year you've got 20. Out of the 12, wasn't there somebody there who could write statements, without getting a communications officer for \$20,000? I had the same trouble with the Provincial Secretariat for Justice. When we broke that one down, we found out that in their complement there were about five of the nine spots that weren't even filled. I just wonder, with that kind of

staffing, if you didn't have somebody in the 12 people who could write statements for you?

Hon. Mr. Kerr: That we didn't have what?

Mr. Singer: Somebody in the earlier complement of a year ago who could write statements. Why was it necessary to have someone called a communications officer who, as I understand it from the deputy, writes statements or prepares press releases? It seems like an awful lot of money to pay to somebody just to write press releases when you already have a staff of 12 people, some of whom perhaps were employed because they can write.

Hon. Mr. Kerr: This gentleman is involved with correlating official reports from the various branches. He is responsible for correlating all the information that comes from the various branches in the ministry, whether it's the OPC, the OPP, the coroner's office, the fire marshal's office; EMO for example, organizations like that. This information all has to come to the minister's office so that it will be made public, made available to the Legislature—

Mr. Singer: How did you make it public a year ago without this communications officer?

Hon. Mr. Kerr: I don't think that it was made available properly, quite frankly.

Mr. Singer: There was certainly all sorts of information coming from the department of the Solicitor General a year ago, and even two years ago, without a communications officer for \$20,000.

Mr. Roy: Maybe that's why John Yaremko was doing such a bad job.

Hon. Mr. Kerr: Pretty low profile.

Mr. Singer: Pretty low profile, all right. So that's one new body you've added. Did you add that person on anybody's recommendation?

Mr. Brannan: Yes.

Mr. Singer: Who recommended him?

Mr. Brannan: On the recommendation of COGP.

Mr. Singer: The recommendation of COGP?

Mr. Brannan: Which said there should be a communications officer in each ministry.

Mr. Singer: I see. And did you advertise the position?

Mr. Brannan: Yes.

Mr. Singer: How many applications did you get?

Mr. Brannan: It was advertised before I became deputy minister.

Mr. Singer: Well, could you take advice and tell me how many applications you got?

Mr. Brannan: Over 75.

Mr. Singer: Over 75. What were the qualifications for the communications officer?

Mr. Brannan: That he have a background and knowledge of the media, all aspects of the media, the capacity to write, the capacity to speak—

Mr. Singer: I see. Educational qualifications?

Mr. Brannan: We were looking for a university graduate.

Mr. Singer: You were looking for? Did you get one?

Mr. Brannan: Yes.

Mr. Singer: I see. What university qualifications did the person have, who eventually got the job?

Mr. Brannan: He is a graduate of a university in England.

Mr. Singer: A graduate of a university in England?

Mr. Brannan: Yes. And he's been in Canada since the war.

Mr. Singer: Since the war, I see. And how many communications has he put forward since he's been hired?

Mr. Haggerty: We haven't seen any press releases.

Hon. Mr. Kerr: Well, the exact number, Mr. Singer, may be difficult to give you off the top of our head. We can get that information for you.

Mr. Singer: Yes, all right.

Hon. Mr. Kerr: When was he hired, incidentally? What date?

Mr. Brannan: Last fall.

Hon. Mr. Kerr: He's been with us since when?

Mr. Brannan: September.

Hon. Mr. Kerr: He was hired in September.

Mr. Singer: If he was hired in September, I presume his salary was included in the 1973-1974 estimates?

Mrs. Campbell: For part of it?

Mr. Singer: At least for a portion of the year. What I'm looking for is the reason for the 3½ times multiplication over a year ago; and the eight times multiplication over two years ago.

Mr. Brannan: I think we can certainly give—

Mr. Chairman: You won't find that, Mr. Singer, in the first item. You asked that in connection with a communications officer.

Mr. Singer: No, I'm in the second item. Item 2.

Mr. Chairman: No, no; excuse me. By the first item, I meant you asked as to the increase in staff, and the first person mentioned was the communications officer, and you got into the salary which I understand was \$20,000. If you're looking for the difference of something over \$300,000, I think you're going to have to proceed further than the communications officer.

Mr. Singer: I intend to proceed much further and maybe it will reveal itself by the time we get through. We've got one communications officer whose salary was at least half included last year. So that would add \$10,000. Now, what have we got next?

Mr. Roy: You don't agree with his premise that it adds \$20,000 or \$10,000?

Hon. Mr. Kerr: I don't know if there was an item in last year's estimates for a communications officer or whether or not that would be part of an allocation for staff—just generally staff.

Mr. Singer: Perhaps we could come a little closer if you could tell me if you have a calculation of how much you spent in the fiscal year 1973-1974, recognizing it hasn't been as yet finalized. Have you got a projection of how much you did spend in the last fiscal year?

Hon. Mr. Kerr: We will get that for you.

Mr. Singer: All right, so we are adding one communications officer. Who else have we added? I hope we can get up to the \$300,000 difference by the time we get through.

Mr. Brannan: A research officer at \$18,000.

Mr. Singer: Did we not have a research officer before?

Mr. Brannan: We did not have a research officer before, except for a very short period of time. The research officer was a research officer with the task force on policing. That person is now on our staff.

Mr. Singer: Why was it determined that the research officer should be taken into the staff of the ministry office secretariat? What was the need for him at that time?

Mr. Brannan: Because there were 170 recommendations made by the task force on policing. These were recommendations to the government, and the government will review each of those recommendations to determine whether or not they are in accordance with its need.

Mr. Singer: They will review, but in the meantime, before there has been a review, you have taken that recommendation and accepted it?

Mr. Brannan: What recommendation?

Mr. Singer: For a research officer.

Mr. Brannan: They didn't recommend that.

Mr. Roy: I take it that what you are saying is that you need a research officer to help you in your research so you can put proper recommendations on these task force recommendations to cabinet. That's what you are saying?

Mr. Brannan: Yes. The types of recommendation that we would have to research out — to mention a few — are recommendations on the restructuring of municipal and regional police forces and arrangement for policing for counties, unorganized districts, and the district municipality of Muskoka.

Mr. Singer: Why would that be done out of the minister's office instead of out of the Ontario Police Commission? I thought that was one of their tasks.

Mr. Brannan: No, the ministry office is responsible for the development of policy in collaboration with the OPC, the OPP and the public safety division.

Mr. Singer: I see. Doesn't the OPC have research staff?

Mr. Brannan: They have some research capability but it is more of an empirical nature.

**Mr. Singer:** It seems to me in the past that when we have looked to the rearrangement or the recommendations about police forces, we have always looked to the Ontario Police Commission. Are you taking that function away from them?

**Mr. Brannan:** No, we are working with them.

**Hon. Mr. Kerr:** By the way, you remember last year we were severely criticized for the lack of research capabilities that we had within the municipalities.

**Mr. Singer:** I don't really recall that.

**Mr. Roy:** Who criticized that?

**Hon. Mr. Kerr:** I don't want to embarrass anybody, but he is in this room.

**Mr. Singer:** All right, so we have got two now. We have a research officer and we have a communications officer. That is \$38,000. We have still got \$262,000 to go.

**Mr. Roy:** Just before you get off this point. I take it your research officer is going to be devoted exclusively to the recommendations?

**Mr. Brannan:** No.

**Mr. Roy:** No?

**Mr. Brannan:** He will be involved considerably in them initially. That is continuing research.

**Mr. Roy:** It is a permanent thing? It's not just a temporary one?

**Mr. Brannan:** That's right.

**Mr. Roy:** He is there for a long time?

**Mr. Singer:** So there are two. How do we get—

**Hon. Mr. Kerr:** Internal auditor, \$26,000.

**Mr. Singer:** Internal auditor.

**Mrs. Campbell:** How much?

**Hon. Mr. Kerr:** Twenty-six thousand dollars.

**Mr. Singer:** Have we not had an internal auditor before?

**Hon. Mr. Kerr:** Apparently not.

**Mr. Singer:** Was that necessitated because of the new post-audit system the Provincial Auditor embarked upon?

**Hon. Mr. Kerr:** Mr. Brannan says yes.

**Mr. Singer:** Okay.

**Mr. Brannan:** The Attorney General also did an internal audit for this ministry at one time. We have taken that over ourselves, because a lot of the functions carried out by the ministry were in the A.G.'s estimates.

**Mr. Chairman:** Mr. Brannan, I hate to interrupt but the reporters are having difficulty in transcribing what you say. Could you speak into the microphone and a little louder if possible?

**Mrs. Campbell:** Well, was there a charge to your ministry when the Attorney General did the work for you?

**Mr. Brannan:** Yes. It was on a charge-back basis.

**Mrs. Campbell:** I see. Perhaps we could get the figures of what that charge-back was in other years?

**Mr. Brannan:** Yes.

**Mrs. Campbell:** It won't account for all of this increase.

**Mr. Brannan:** No.

**Mr. Roy:** Good point.

**Mr. Singer:** All right. That is three. Now how do we make up the balance?

**Hon. Mr. Kerr:** We have again, as mentioned before, the task force on policing implementation.

**Mr. Singer:** Yes. How many new bodies does that account for? Who are they? What do they do? And what are they paid?

**Hon. Mr. Kerr:** There is \$50,000 in the estimates for that particular item.

**Mr. Singer:** Yes, \$50,000. Where do we find that? Or was that in the \$546,000?

**Hon. Mr. Kerr:** No, that is the—yes, that is in the \$546,000.

**Mr. Singer:** What is that money to be used for? You've got a communications officer who is to put all this information together; a research officer who is going to research these things and tell you how to do it. What is the \$50,000 for?

**Mrs. Campbell:** Is that the salary of the chairman you are keeping on?

**Hon. Mr. Kerr:** Really, it is to carry out the recommendations. There are about 170 recommendations of the task force on policing.

We want to get a start on implementing some of these recommendations. We will need help, I think, outside help, consultants' fees and things like that to implement some of these recommendations. That is basically what this item is for.

**Mr. Singer:** I hear what you say, Mr. Minister, but I don't understand it.

**Hon. Mr. Kerr:** I can give you—I can ask Mr. Bell to comment on it. As I've said—

**Mr. Singer:** No, Mr. Bell has his own budget. We'll come to him in due course. I want to know why the minister's office needs \$50,000 to do something about researching or about implementing the recommendations.

**Hon. Mr. Kerr:** All right. I can say, for example, one of the research priorities is the exercise of police judgement in the application of the law. The research will aim to determine the extent and circumstances and will serve as a basis for policy guidance to all police forces.

**Mr. Singer:** Isn't your research officer able to do that?

**Hon. Mr. Kerr:** No, I don't think one research officer can do the various research functions we want undertaken.

**Mr. Singer:** What I am trying to get at is, I am bothered by loose figures thrown into a budget with a general heading which doesn't indicate if you are going to hire new people. It really doesn't indicate in any specifics what you are going to spend \$50,000 for. I'd like you to be specific.

Do you intend to hire one person, 10 people, five people? Do you intend to bring in someone from outside?

**Hon. Mr. Kerr:** I think this is mainly contract work, outside work for consultants.

**Mr. Singer:** All right.

**Hon. Mr. Kerr:** As I say, there is a whole list of them here and I can read them to you if you want me to.

**Mr. Singer:** Reading the headings doesn't inform me. Can you tell me what outside people you are going to contract with?

Are you going to hire judges or policemen or academics or law students?

**Hon. Mr. Kerr:** For example, the two centres of criminology, in Ottawa and Toronto, could be involved in this type of research.

**Mr. Singer:** Don't we have something a little later on for the centres of criminology?

**Hon. Mr. Kerr:** There may be one particular item.

**Mr. Singer:** Yes, but a little later on, isn't there something in here under forensic—

**Mr. Roy:** There is \$3,000 on this item.

**Hon. Mr. Kerr:** That's a grant we give them. I believe they are involved now in a study of private policing in the province for us.

**Mr. Roy:** But I take it that that \$50,000 is a provision you have put aside as moneys necessary to help you carry out the implementation of the recommendations. You don't have anybody hired for that; it is money you put aside to either hire people or contract out work. The figure of \$50,000 is something that you—

**Hon. Mr. Kerr:** It is already there.

**Mr. Roy:** Yes.

**Hon. Mr. Kerr:** You must remember that we have to justify every expenditure before Management Board.

**Mr. Singer:** The purpose of the estimates is that you justify them before this committee too.

**Mrs. Campbell:** That's right.

**Hon. Mr. Kerr:** Right. But all I am saying is that it may be difficult to tell you exactly to the nth degree how that \$50,000 will be spent and the number of people that might be involved as far as hiring is concerned. As I say, it is for research and for fees in implementing the recommendations of the task force.

**Mr. Singer:** If my arithmetic is anywhere near close, we have come a third of the way. There is still \$200,000 left.

**Hon. Mr. Kerr:** The next item continues on; it is really a combined effort. I have the item, "purchase of research capability."

**Mr. Singer:** What is that? How much have we got allocated to that?

**Hon. Mr. Kerr:** We have \$125,000.

**Mr. Singer:** For the purchase of research capability? Being just a simple fellow, can you tell me what that means?

**Mr. Roy:** That sounds as though it is very similar to the \$50,000 that we just talked about.

**Hon. Mr. Kerr:** Well, it is, to some extent—although it is more than just the task force. The items here, as I say, that don't deal with the task force are not really tied in with the task force recommendations. For example:

The options open to police managers in terms of the way policing may be carried out and managed: The product of this research will assist police forces in developing a balance among the functions of response, referral prevention, public education and crime solving that reflects the needs and priorities of each community.

**Mr. Singer:** Could you tell me, Mr. Minister, who was responsible for putting those two figures in the budget and how they reached those figures? Is there a yardstick?

**Hon. Mr. Kerr:** They were part of the multi-year plan. As the hon. member may know, the figures that we are considering here were decided some time last year. We also have some preliminary estimates for the next fiscal year, so that the amounts and programmes would have been decided some time last year.

**Mr. Singer:** Well, you have got \$175,000, and while you can put general words to them, I don't really understand where the figures came from and what you are going to use them for. You have already told us you have got a communications officer who is going to put everything together and issue bulletins, and a research person whom you never had before is going to research it—we'll leave the auditor alone.

But you have got this \$175,000, and when it was put in this year's budget, did anybody figure that you are going to spend \$10,000 for Prof. Smith and \$20,000 to hire four law students in the summertime? Are you going to hire secretaries or buy typewriters? What are you going to do with the \$175,000?

**Hon. Mr. Kerr:** This will be the type of research that we would contract for. Certainly, we are not going to hire the new people to undertake these particular items. This is the type of thing that we would give to either the centres of criminology or outside people who have the capabilities in these areas.

**Mr. Singer:** Have you any list of potential subjects that you want to contract out?

**Hon. Mr. Kerr:** I was just reading some of them to you.

**Mr. Singer:** Have you entered into discussions with—what's the gentleman's name who is the head at the University of Toronto centre of criminology—Prof. Edwards? Have you any tentative agreements with Prof. Edwards that his organization at the University of Toronto will embark upon one of these, and have you had any discussions with him as to how much money you are going to pay them?

**Hon. Mr. Kerr:** He is aware that we are going to be purchasing research from his centre. We haven't talked money really, until we get to a particular subject. We have one under way at the present time dealing with private policing.

**Mr. Singer:** Have you got a contract on private policing?

**Hon. Mr. Kerr:** I believe we have.

**Mr. Singer:** What does it say?

**Hon. Mr. Kerr:** We have an agreement with him on that, yes.

**Mr. Singer:** Yes. How long have you retained him for?

**Hon. Mr. Kerr:** He says he can be ready by September. I am hoping it will be ready before that.

**Mr. Singer:** Do you have an approximate figure for that report?

**Hon. Mr. Kerr:** I believe it's \$3,000.

**Mr. Singer:** Three thousand dollars?

**Mr. Roy:** Is that the grant? That's not in this item, the grant for the centre of criminology?

**Mr. Singer:** You have got that down a little lower.

**Mr. Roy:** That's the \$3,000.

**Mr. Singer:** Well if he is going to do that for \$3,000—

**Hon. Mr. Kerr:** I am sorry, it is in the neighbourhood of \$10,000.

**Mr. Singer:** Oh, it is in the neighbourhood of \$10,000. All right, even if he is going to do that one for \$10,000, you still have \$175,000. So you must have \$165,000 left. Do you have another 16 projects that you are going to farm out?

**Hon. Mr. Kerr:** We have a total of 17, as a matter of fact.

**Mr. Singer:** I see. And who are you going to farm them out to, because if the centre of criminology has already embarked on one for you, do they have the capacity—and the University of Toronto is probably the biggest—to take on another 15?

**Hon. Mr. Kerr:** I am not sure, but certainly we would use Ottawa. We would use other—

**Mr. Singer:** How many centres of criminology are there in Ontario. There are two?

**Hon. Mr. Kerr:** There are two in Ontario. But as I say, we would use private firms as well.

**Mr. Singer:** What private firms are there available which could research matters that are recommended by the task force?

**Mr. Brannan:** I would think there would be several of the management consulting firms that are located in Ontario that could do the work.

**Mr. Singer:** These are management consultant matters, are they? All right, we still have \$100,000 yet to go. How do we account for that?

**Hon. Mr. Kerr:** We have multilingual communications, \$42,000.

**Mr. Singer:** What does that mean?

**Hon. Mr. Kerr:** This is information for ethnic groups, information in various languages, about the ministry and about agencies in the ministry. In other words, rather than just French or English, there would be other languages such as Polish or Italian and things like that.

**Mr. Singer:** Wouldn't your communications officer be charged with that primarily in English and couldn't he just take it to a translation service? There is one in government now.

**Hon. Mr. Kerr:** I don't know how much you can do for \$42,000, in terms of translating some of the information texts or pamphlets that we would print from time to time. I don't know. Some of our reports, of course, are printed in various languages. As for police information, we make a point of publishing all those in as many languages as are necessary.

**Mr. Singer:** I am not quarrelling with that at all but I am wondering how you reach the figure of \$42,000?

**Mr. Roy:** That doesn't include translation in French? That's other languages besides French and English?

**Hon. Mr. Kerr:** Yes.

**Mr. Singer:** How did you come out with the figure of \$42,000?

**Hon. Mr. Kerr:** I think it was an estimated figure. Do you have some information from last year on what we spent on that? Have you got that?

**Mr. Singer:** All right, there is still another \$50,000 to \$60,000. Where does that come from?

**Hon. Mr. Kerr:** Well, then we have purchase of communications services. I believe this is a question of announcements in the media for public information.

**Mr. Singer:** How much is that?

**Hon. Mr. Kerr:** This, I believe, would involve speech writing and that type of thing. That is in the vicinity of \$60,000.

**Mr. Singer:** That is \$60,000. Why wouldn't the communications officer, to whom you are paying \$20,000, be able to do that? Why do you have to go out and purchase \$60,000 more?

**Hon. Mr. Kerr:** Well, the picture of a communications officer is that he is sort of a centre, he is the person who has direct liaison and communication with the various branches and agencies within the ministry.

You have the fire marshal up at Keele St., and you have the OPP down at the Lakeshore, and the coroner over on Bay St.; there is information of all kinds coming from these various agencies, and we want to make sure it gets to one central point. A lot of it goes into the Legislature, for example; a lot of it is public information of what is going on—announcements and new changes in regulations they want to be aware of.

Rather than having each one of these branches or agencies doing it unilaterally on its own, particularly when there may be some overlapping or there could be some connection between one or two or three of these, the communications officer does it. So he is not a person who is writing speeches, really, or doing any research, he is a centre man who—

**Mr. Roy:** He is a co-ordinator.

**Hon. Mr. Kerr:** He is a co-ordinator, he deals with the various reports—we have some of them here. For example, he spent a great deal of time putting together the annual report, to make sure the information comes in.

**Mr. Singer:** We have always had an annual report.

**Hon. Mr. Kerr:** Yes, but before they used to be separate. Now we are putting them all in one booklet, you see.

**Mrs. Campbell:** This is 1972, we haven't had one since.

**Hon. Mr. Kerr:** We have one just about to go to the printers.

**Mr. Haggerty:** It should be here now, in time for the estimates.

**Mrs. Campbell:** Who did this one?

**Mr. Roy:** We should fire that individual.

**Mr. F. Drea (Scarborough Centre):** Mr. Minister, this isn't the same as the Liberal Party having one PR co-ordinator here and a number of agencies on the outside for special work.

**Mr. Roy:** But you see, we are not criticizing the Liberal Party.

**Mr. Singer:** We are talking about government and public expenditures.

**Mrs. Campbell:** We are not spending government money on the Liberal Party.

**Mr. Roy:** If the Liberals were here, we would do the same thing.

**Mr. Drea:** It is the same principle.

**Mrs. Campbell:** Oh, it is?

**Mr. Drea:** Yes.

**Mr. Roy:** But, regarding your communications officer—we are concerned that you are paying that kind of money and everything else, obviously, and we don't even have his report for the estimates. Maybe someone should talk to him.

**Hon. Mr. Kerr:** It is ready; it is out of his hands. It is ready.

**Mr. Singer:** We are roughly up to \$300,000. I have had—

**Hon. Mr. Kerr:** No, we are more than that.

**Mr. Singer:** On those figures you gave me, 38, 44, 64, 94, 210, 310—\$310,000. I have had great difficulty separating last year's and this year's so let's go on until we come up to \$546,000. We still have \$200,000 to go.

**Hon. Mr. Kerr:** Well, you want to go into—

**Mr. Singer:** Yes, I want to know why you are asking for \$546,000; that is what I want to know.

**Hon. Mr. Kerr:** So you want to deal with the minister's office secretariat. I would have to give you, for example, the number of people in the office now.

**Mr. Singer:** Yes.

**Hon. Mr. Kerr:** We have a policy development co-ordinator.

**Mr. Singer:** Policy development co-ordinator.

**Hon. Mr. Kerr:** Let me see that I don't conflict with anything I have given before. Management services adviser.

**Mr. Singer:** Just a minute. How much does the policy development co-ordinator get?

**Hon. Mr. Kerr:** About \$21,000.

**Mr. Singer:** About \$21,000. And the management services co-ordinator?

**Hon. Mr. Kerr:** Adviser.

**Mr. Singer:** Adviser. What does he get?

**Hon. Mr. Kerr:** Yes. He is about the same.

**Mr. Singer:** Another \$21,000.

**Mr. Roy:** You are making sure we are not paying the same fellow twice?

**Mr. Singer:** What else have you got?

**Hon. Mr. Kerr:** We have a planning and evaluation adviser.

**Mr. Haggerty:** They are one and the same, aren't they?

**Hon. Mr. Kerr:** No, different titles.

**Mr. Haggerty:** Different titles but they are all the same.

**Mr. Singer:** What does he get?

**Hon. Mr. Kerr:** They are all programme executives No. 3. We don't have those figures. We can get them for you.

**Mr. Singer:** Are there more senior ones than the \$21,000 ones?

**Hon. Mr. Kerr:** No, but they are all in the same category.

**Mr. Singer:** Oh, they are all in the same one. What else have we got?

**Hon. Mr. Kerr:** We have the special assistant to the Solicitor General.

**Mr. Singer:** That is not an executive assistant. It is a special one rather than the executive.

**Hon. Mr. Kerr:** Yes. I am sorry, I am getting you the ones I gave you before.

**Mr. Singer:** I don't think I had a special assistant before, unless he is in the main office.

**Hon. Mr. Kerr:** No. That is new.

**Mr. Singer:** And how much does he get?

**Hon. Mr. Kerr:** Paul, how much do you get?

**Mr. P. G. Boukouris** (Special Assistant to the Attorney General): I get \$21,000.

**Mr. Roy:** Is that what you are, a special assistant? I thought he was a sort of co-ordinator.

**Mr. Brannan:** He is a co-ordinator between the deputy and the minister.

**Mr. Singer:** And then you have an executive assistant too, don't you?

**Hon. Mr. Kerr:** Yes.

**Mr. Singer:** And how much does he get?

**Hon. Mr. Kerr:** He is on contract. He wouldn't be in here.

**Mr. Singer:** He is on contract, so he is not in the \$548,000.

**Mr. Roy:** Where would he be?

**Mr. Singer:** That was my next question.

**Hon. Mr. Kerr:** He is not in this figure. This is the ministry office as opposed to the minister's office.

**Mr. Singer:** Mr. Roy makes a very good point. Where would we find that contract figure? Is it in these estimates that are before us or is it not here at all?

**Hon. Mr. Kerr:** In the services estimates.

**Mr. Roy:** That is in the \$296,000.

**Mr. Singer:** That's really part of what I am asking, because services is part of the

\$546,800. The salary of the executive assistant presumably should be part of that \$546,800.

**Hon. Mr. Kerr:** All right.

**Mr. Singer:** Wait; before we leave him, how much does he get?

**Hon. Mr. Kerr:** I think it is around \$18,000.

**Mr. Roy:** He is right there; we could maybe ask him.

**Hon. Mr. Kerr:** And then there are three secretaries.

**Mr. Singer:** Their average is around \$7,000 or \$8,000?

**Hon. Mr. Kerr:** Two of them would be \$8,000 and one of them at around \$11,000.

**Mr. Singer:** About \$27,000. When we put all that together—is that the end?—does that add up to \$546,800 yet?

**Hon. Mr. Kerr:** That's right.

**Mrs. Campbell:** Is there a driver in this one too?

**Hon. Mr. Kerr:** The driver is in earlier.

**Mrs. Campbell:** I just wondered with the padding here if we had another driver.

**Mr. Singer:** Mr. Minister, I have listened carefully and I have made notes and I just don't understand why this sudden expansion is needed. I say this frankly and without desire to be personal in any way. You come to us with this tremendous increase in your figures with only the vaguest of excuses for it. You have no ability presently to tell us and, you have undertaken to get us the information as to how much of this was done in previous years. What bothers me, when I look at the \$8.3 billion budget is the unreasonable increase.

I am going to do this once in every department. What bothers me is the unexplained and unreasonable increase of the expenditure of public money from year to year. There may be great and good logic in this but, as I have listened to the explanation of you and your officials, it frankly doesn't come through to me. At a time when all of the ministries hopefully would be looking to save money, here is one particular vote that multiplies eight times from two years ago, and 3½ times from one year ago; and the explanation, to say the least, in my opinion, is a pallid one. That is really all I have to say. I am not satisfied at all with this and with the similar

kind of examination I attempted to do in the office of the Provincial Secretariat for Justice.

It would seem to me that if you fellows got sharp pencils out, we would be able to save many millions of dollars. There isn't time in these estimates to go through every vote in this way, nor do I intend to do it. But I am really very unhappy at the rate our expenditures multiply year by year—and our taxes necessarily have to keep pace with these expenditures.

I would hope that I would get the additional information before these estimates are through, and by next year, when these estimates come forward, we will have a specific breakdown and a thoroughgoing justification for the money that you have asked for this year.

**Mr. Chairman:** Mr. Lawlor?

**Mr. Lawlor:** I'm not going to say anything at present.

**Mr. Chairman:** Mrs. Campbell.

**Mrs. Campbell:** I wonder if I could have clarification. Do we take it now that the task force report and recommendations have gone to the policy secretariat and have been approved for implementation?

**Hon. Mr. Kerr:** No.

**Mrs. Campbell:** This is where I find myself in a great quandary about the statements that have been made. You talked about your research people, and one of the things you have talked about there was that they would be implementing, according to your statement, recommendations Role 1.1 and Role 1.2.

As far as I am concerned, until we determine that you are going to accept all the recommendations of the task force—and I frankly have grave misgivings about a great many of them—I am appalled that we are allocating funds for that implementation through a research group that is going to go out to try to find out what the community objectives are and how the police can use discretion in their duties. This is what you told my colleague when you were referring to the kind of research that you were going to do.

**Mr. Chairman,** I would like clarification on that point. If the minister is hiring people before he has decided whether he is going to implement this, or whether the secretariat is going to do it, or whether, in fact, the Legislature accepts it—and, of course, he has the right to believe that because we haven't

the votes, if he decides to implement it, it will be through—but surely some kind of opportunity will be accorded for discretion. I would like that explanation.

**Hon. Mr. Kerr:** Well, first of all, as I mentioned, there are about 170 recommendations. Some of these recommendations will be much more difficult to implement than others—

**Mrs. Campbell:** Probably the first two, for instance.

**Hon. Mr. Kerr:** Some will require changes in regulations. Some will require changes in legislation. Some will require new legislation.

**Mrs. Campbell,** the first question you asked me was, "Have they gone to the policy field?" We are making a submission this month—as a matter of fact, I think it is next Thursday—to the policy field on about 15 recommendations.

There are other recommendations that are much more involved and require further study. We want further comment from people who will be dealing with them; for example, the association of police chiefs will be commenting on certain recommendations. We want to hear from them before we deal with certain recommendations.

As we indicated in our estimates, there are more that will require further study as far as the effect of implementing some of these recommendations is concerned. Then, of course, there are points that were raised in expenditures here that don't relate directly to the task force on policing and for which we are asking money as well.

It is a staged thing. I think it is fair to say that we are not necessarily going to implement every recommendation. There are some I certainly want to be convinced on a little more, but on the whole I think it is an excellent report.

**Mrs. Campbell:** Well, may I be specific? Is it not a fact that in explaining the \$175,000 budget, particularly, I believe, the \$125,000 item, the minister stated that his research officer could not be the one to research the way in which the communities' requirements and the police judgement factor would be researched?

**Hon. Mr. Kerr:** That's right.

**Mrs. Campbell:** What you are saying to me is that you are now going out and taking these two recommendations and with your research and implementation funds, are act-

ing on them before it has been decided whether or not those recommendations should in fact be approved.

**Hon. Mr. Kerr:** No, I don't think there is a conflict there. I don't think we are acting upon it from the point of view of implementation before they are approved. We are getting more information before we implement, you see. Most of the things that we talked about in the \$125,000 item are not directly related to the task force on policing. In the total of \$175,000, about \$50,000 of that was for implementation of task force recommendations.

**Mrs. Campbell:** So then, the \$125,000 is not related to the task force.

**Hon. Mr. Kerr:** No, not necessarily. You've touched on one. Some of them do seem similar because they are in the same area. One is the alternatives to criminal sanctions. This will be of value in the development of policy guidance to police forces. Now, you could say that there was an area which the task force talked about.

**Mr. Roy:** The Law Reform Commission of Canada has come out with an extensive report that they have been working on for four years. This deals with criminal sanction. That is something that has got to be emanating from the federal government. Why are we duplicating their services?

**Hon. Mr. Kerr:** I don't know. I haven't read the report that you are talking about.

**Mr. Roy:** They have come out with an extensive report on alternatives to criminal sanction relating to punishment and the whole bit.

**Mrs. Campbell:** Could we expect to have a detailed breakdown of the components of the \$175,000 for tomorrow or before these estimates are completed? Can we be assured of that?

**Hon. Mr. Kerr:** I'd like to break it down now into \$50,000 and \$125,000.

**Mrs. Campbell:** Very well, I have no objection, because I want both of them in detail.

**Hon. Mr. Kerr:** You have that. Then I'll get more information on those items for you.

**Mr. Chairman:** Mr. Lawlor, you have a point you wanted to ask.

**Mr. Lawlor:** Yes, thank you, Mr. Chairman, for permitting me back in. I'm not going to say a great deal. I think it is fairly obvious

from what has been said here during the afternoon that the minister is a fairly adroit fellow, with all kinds of charm and has hoodwinked the Management Board. I think there is little question that 50 per cent of this money which you talk about will never be spent, and ought never to be spent. If I just may refer to your last report:

The ministry secretariat now includes four staff members who specialize in the areas of 1. management services; 2. policy development; 3. communications, and 4. planning and evaluation.

I'm not going to comment upon that. The commentaries have spoken for themselves, as in the following: "The ministry secretariat, working closely with senior programme officials, has been responsible for a number of major programme and policy analyses." With four people, you have a number. Could you just tell us what the number of these major things were? Give us one or two, maybe—

**Hon. Mr. Kerr:** What page are you reading?

**Mr. Lawlor:** I'm reading from page 2 of your last report. Don't you know what's in your report, Mr. Minister?

**Hon. Mr. Kerr:** I see. The second paragraph.

**Mr. Lawlor:** The second paragraph.

**Hon. Mr. Kerr:** I think, for example, there have been amendments to the Coroners Act, as you know. That would be policy which would be developed within the ministry, within the secretariat.

**Mr. Lawlor:** I think that was done under Arthur Wishart.

**Mr. Chairman:** That should satisfy you.

**Hon. Mr. Kerr:** The Coroners Act was amended last year.

**Mr. Roy:** Yes, we did all the amendments in committee.

**Hon. Mr. Kerr:** Well, all right, but you had proposals that—

**Mr. Lawlor:** It was laid out long before that.

**Hon. Mr. Kerr:** You have heard about the latest amendments to that?

**Mr. Lawlor:** No, I haven't.

**Hon. Mr. Kerr:** All right. In this report, of course we are talking about the annual report

of 1972; there was a Police Amendment Act of 1972.

**Mr. Lawlor:** These are the major programmes?

**Hon. Mr. Kerr:** These are, as I say, two highlights.

**Mr. Roy:** That is the good news, not the bad.

**Mr. Lawlor:** This is a euphemism.

**Hon. Mr. Kerr:** Programmes: you see CPIC referred to; police-community relations.

Interjection by an hon. member.

**Mr. Lawlor:** Good old CPIC. That is the business of linking up with the federal forces, by telecommunications, who are directing the cases across the country.

**Hon. Mr. Kerr:** Yes, right. The point here, I think in all fairness, is it talks about the first nine months of its operation. It talks about the design and implementation of administrative and financial support systems of the ministry.

**Mr. Lawlor:** Yes.

**Hon. Mr. Kerr:** As far as I know this is the first really full year of the new ministry.

**Mr. Lawlor:** Yes.

**Hon. Mr. Kerr:** I suppose it is referring here really to the creation and the setting up and the organization of the ministry.

**Mr. Lawlor:** I see; you suppose that?

**Mr. Chairman:** This is out of date, isn't it?

**Hon. Mr. Kerr:** Yes, this is out of date but this is what that comment—

**Mr. Lawlor:** It is the first time we have had a chance to comment.

**Hon. Mr. Kerr:** —which is public relations jargon I admit, Mr. Lawlor; it's public relations jargon—

**Mr. Lawlor:** You admit this is jargon, then? I want that in printing.

**Hon. Mr. Kerr:** But the legislation is setting up—

**Mr. Roy:** The printer got carried away.

**Mr. Lawlor:** You have your capabilities for record like everybody else.

**Hon. Mr. Kerr:** If you are setting up a new ministry I would think there would have to be some legislative changes. There would have to be, certainly, new programmes and policy analysis.

**Mr. Chairman:** Does item 2 carry?

**Mr. Roy:** No. I have some comments to make on that.

**Mr. Chairman:** This committee will stand adjourned until 8 p.m.

It being 6 o'clock, p.m., the committee took recess.

## ERRATUM

No.	Page	Column	Line	Should read:
S-7	S-200	1	29	I used the expression "show cause" or when I

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Ontario. Legislative Assembly

# Legislature of Ontario Debates

## ESTIMATES, MINISTRY OF THE SOLICITOR GENERAL

Standing Administration of Justice  
Committee

Chairman: Mr. J. A. Taylor

OFFICIAL REPORT — DAILY EDITION

Fourth Session of the Twenty-Ninth Legislature

Thursday, May 2, 1974

Evening Session

Speaker: Honourable Allan Edward Rock

Clerk: Roderick Lewis, QC

THE QUEEN'S PRINTER  
PARLIAMENT BUILDINGS, TORONTO  
1974



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(Daily index of proceedings appears at back of this issue.)

## LEGISLATIVE ASSEMBLY OF ONTARIO

THURSDAY, MAY 2, 1974

The committee resumed at 8:05 o'clock, p.m.

ESTIMATES, MINISTRY OF THE  
SOLICITOR GENERAL

(continued)

On vote 1501:

**Mr. Chairman:** We are still dealing with item 2 on vote 1501. Mr. Lawlor, did you have some remarks to make?

**Mr. P. D. Lawlor (Lakeshore):** Nothing particular further on this vote. As I understood this afternoon, dealing with the \$3,000 which has been introduced in the estimates, the Attorney General cut the centre of criminology out of the picture with great deliberation, I can assure you, three years ago. He didn't think he was getting his money's worth. Considering the monumental sum you spend with such flippancy I wouldn't dare mention a mere \$3,000, so I won't.

**Mr. Chairman:** We'll strike that from the record, will we?

**Mr. Lawlor:** Strike that from the record.

**Mr. Chairman:** Mrs. Campbell.

**Mrs. M. Campbell (St. George):** Yes, I don't suppose that the minister is prepared tonight with the material that I asked for before, but I wonder if we could get the advertising figures again?

**Hon. G. A. Kerr (Solicitor General):** Is that the ethnic groups that I mentioned to you, or generally?

**Mrs. Campbell:** I would think purchase of communications services, \$60,000. I suppose that is the usual fund to let the people know what's going on and, hopefully, to promote the government that you get in every account?

**Hon. Mr. Kerr:** Yes.

**Mrs. Campbell:** Is that what the \$60,000 is for?

**Hon. Mr. Kerr:** The idea would be to publicize information about the ministry, that's right. For example, this will probably be in another vote, but the fire marshal has a great number of publications in that area—

**Mrs. Campbell:** That's right.

**Hon. Mr. Kerr:** —but that, I would assume, would be in another vote.

**Mrs. Campbell:** That's what I would assume too.

**Hon. Mr. Kerr:** But it's the type of thing that would come out of our ministry, which would be more of a general nature dealing overall with the ministry rather than a specific area.

**Mrs. Campbell:** But you have then about \$100,000 if you include the multilingual communications setup in order to publicize the work of this ministry?

**Hon. Mr. Kerr:** About \$90,000, that's right.

**Mrs. Campbell:** About \$90,000?

**Hon. Mr. Kerr:** I think multilingual is about \$42,000.

**Mrs. Campbell:** That's what I have, and \$60,000 for purchase of communications.

**Hon. Mr. Kerr:** It's about \$100,000. You're right.

**Mrs. Campbell:** What sort of things are we going to be telling people about the greatness of this ministry?

**Hon. Mr. Kerr:** The whole area of policing. For example, we made some information available about assistance for emergency measures and the fact that we've given them additional support. That information would go to all municipalities in the province.

**Mrs. Campbell:** So we don't have that in the emergency measures vote?

**Hon. Mr. Kerr:** I don't know. I don't know if they have it. That's in ours? I didn't think it was.

Then there's information regarding the coroner's office and information regarding

legislation dealing with the coroner's office. As I say, in the area of policing, I think if there was a sort of combined effort between the RCMP and the OPC and the OPP as to some type of a conference—which we have from time to time and which we are talking about now in respect to overlapping jurisdictions such as our efforts with the federal government, this is the type of thing that would come out of the ministry rather than out of a particular branch.

**Mrs. Campbell:** Well then, where would you send that sort of information?

**Hon. Mr. Kerr:** That would be just public information.

**Mrs. Campbell:** The public at large.

**Hon. Mr. Kerr:** Right—by way of circular. We wouldn't necessarily put an ad in the paper. We pay people, of course, to put the thing together in a way that it is attractive and readable, rather than to depend on the departmental people.

**Mrs. Campbell:** So you would be engaging the services of public relations firms.

**Hon. Mr. Kerr:** I may be wrong, but I think of things like "Police Week." I am sure a certain amount of money for that may come out of another budget, but we're sort of responsible for publicizing "Police Week," informing various departments about what activities are taking place in the province, what functions are going on to publicize the work of the police and that type of thing.

That's the type of thing that probably would come through the ministry, rather than through the OPP or the OPC, because it involves the government and the minister in the activities. It's more of a government ministerial activity, rather than a particular agency of the minister.

**Mr. Chairman:** Further questions on item 2? Mr. Roy.

**Mr. A. J. Roy (Ottawa East):** Mr. Chairman, I want to make brief comments in relation to the matters raised by some of my colleagues here, especially by Mr. Singer, in relation to certain items. First of all, I ask the minister, how much did this task force on policing cost?

**Mr. C. E. Brannan (Deputy Solicitor General):** Item 3 now or shall we complete item 2 first?

**Mr. Roy:** I'm sorry. Is that the figure there, \$186,000?

**Mr. Brannan:** Well, we were just below that.

**Hon. Mr. Kerr:** The actual cost is going to be just below that.

**Mr. Roy:** I see. In fact, then, you're spending very nearly the same amount of money to consider and implement the recommendations as you have spent in accumulating these particular recommendations.

**Hon. Mr. Kerr:** No, not the same amount at all.

**Mr. Roy:** Well, look, let's call a spade a spade. This fellow here, who is supposed to be your research officer, from your comments—no matter what you might say—he looks as though he is the fellow who is going to be working on some of the recommendations of the task force. You are paying him \$18,000.

**Hon. Mr. Kerr:** No.

**Mr. Roy:** Well, that's what I was told by the deputy.

**Mrs. Campbell:** Yes.

**Mr. Brannan:** That's right.

**Mrs. Campbell:** Which of you is correct?

**Mr. Brannan:** He is going to be strictly on the task force?

**Mr. Roy:** No, but certainly one of the reasons for hiring a research man was to look into some of the recommendations and implications of the task force report. That's what I was told earlier.

**Mr. Brannan:** That's one of the reasons for hiring the person—that is true—

**Mr. Roy:** Yes.

**Mr. Brannan:** —but there is a lot of research that's needed and is not recommended in that report.

**Mr. Roy:** That may be, but I would relate part of the salary or one of the reasons for hiring this fellow to the recommendations of this task force.

**Hon. Mr. Kerr:** I don't want to leave it there. The research officer is in the ministry office; he will be involved in research for the fire marshal's office, for the coroner's office, in forensic sciences and the other matters within the ministry. He is an employee, located in the ministry office, doing

research for the ministry—and that includes all the items before you—any area.

The main research dealing with the task force will be the other items that we've indicated here—

Mr. Roy: Okay.

Hon. Mr. Kerr: —that would be purchased and within the OPC.

Mr. Roy: Yes, okay. You are modifying your statement somewhat, because when we talked about this research officer before dinner one of the main reasons we were told, or at least I was left with that impression, was because some of the recommendations were with the task force. But let's leave that aside. Let's knock him out at \$18,000. You are still left with \$175,000, which is very close to what it has cost you for this task force. It appears to me that this money—you know if Parkinson's law is setting in here, you have managed to convince somebody that this money was necessary now it is up to you to find bodies and contracts to fulfil your prophecy.

Really, it is shocking that there should not be more planning or more itemization for this kind of money. You say, "Look, we consider we have about five research projects or we have so many research projects—we have these people in mind, we calculate it is going to cost us so much money for a research project"—and then you justify it. It just seems to me that you have pulled figures out of the air and said, "Look, some \$50,000 or \$125,000 appears to be a nice round figure, that is what we are going to ask for and I am sure we will have no trouble spending it."

I am very concerned about that. I would like to review with you some of the items that you mentioned that you have in mind for research and giving out research contracts. You mentioned one of them; the thing of punishment—punishment in crime and punishment or penalty or whatever it might be. What of the other topics that you have in mind to hand out as contracts?

Hon. Mr. Kerr: One was the exercise of police judgement and the application of the law.

Mr. Roy: That's a task force, isn't it?

Hon. Mr. Kerr: "The research will aim to determine the extent and circumstances and will serve as a basis for policy guidance to all police forces."

Mr. V. M. Singer (Downsview): What was that last one?

Hon. Mr. Kerr: "The research will aim to determine the extent and circumstances and will serve as a basis for policy guidance to all police forces."

Mrs. Campbell: Those are the first two recommendations of the task force.

Hon. Mr. Kerr: Another one is: "Role and effectiveness of policing or police in traffic accident prevention."

Mr. Roy: Role? I am sorry, the role or—

Hon. Mr. Kerr: "—and effectiveness of police in traffic accident prevention."

Mr. Roy: Yes.

Hon. Mr. Kerr: "Role of individuals in the community in preventing crime and the extent to which the police can be effective in crime prevention. Research and support of our proposed crime prevention programme. The impact of manpower deployment and policing levels on crime prevention. Police handling of family crises." That is going on now in London.

An hon. member: Yes, for \$30,000.

Interjection by an hon. member.

Hon. Mr. Kerr: That is a \$30,000 — right.

Mr. Singer: Sounds like something to write papers on at university.

Hon. Mr. Kerr: "Unenforceable laws and their impact on police public relations. The interface between the police and the courts, the police and corrections and with other social agencies. Urban design and crime prevention. Budget techniques for putting—"

Mr. Singer: That's a good one. Do you have round streets or curved streets?

Mr. Chairman: Are you finished, Mr. Roy?

Mr. Roy: No, no.

Hon. Mr. Kerr: This last one is under way in Burlington.

Mr. Roy: Beg your pardon? We spent \$175,000 on these items, Mr. Chairman.

Hon. Mr. Kerr: A hundred and twenty-five thousand dollars; I wish you fellows would get the figures down right.

Mr. Roy: The other \$50,000 is a figure going to help evaluate these recommendations.

Mr. Singer: That's right.

Mr. Roy: You know, it is really all the same, I agree.

Hon. Mr. Kerr: No, no.

Mr. Roy: Oh, sure it is. Sure it is.

Mr. Chairman: Well, there is no point in arguing that. If the minister has told you what the sum was for—

Hon. Mr. Kerr: Have you read the task force?

Mr. Roy: Pardon me?

Hon. Mr. Kerr: Have you read the task force report?

Mr. Roy: I read most of the recommendations.

Hon. Mr. Kerr: Well, read the report.

Mr. Roy: But it seems to me, Mr. Minister that many of the topics are duplicating the very purpose of this task force—looking at some of these activities. I am surprised that you don't have as a topic, I suppose, the sex life of a normal police officer.

Hon. Mr. Kerr: We do of the tsetse fly.

Mr. Singer: The same group that damned the LIP grants. This is far worse.

Mr. Roy: I don't know, on any one of these items can you help me and tell me what you figure, for instance, when you are looking at urbanization in the prevention of crime or the urbanization planning in the prevention of crime—what you feel you are going to spend on something like that?

Hon. Mr. Kerr: Really, I don't know. You can't really tell. I wasn't there when they estimated this. Mr. Bell, would you have anything on that?

Mr. Singer: He is just thinking what we are going to ask about the Ontario Police Commission.

Mr. E. D. Bell (Chairman, Ontario Police Commission): I am sorry. I didn't hear the question.

Mr. Roy: I was going through some of these research topics, and I was just wondering whether you had put a dollar figure on some of the research that has gone on? For instance—what was the topic I mentioned?

Hon. Mr. Kerr: Urban design and crime prevention.

Mr. Roy: Yes, urban design and crime prevention. How much money do you think you are going to spend on that?

Mr. Bell: I can't answer you, because I don't know the extent and the depth of the study. I can only give you an example of a study which we are now conducting into the role of the police. It involves fairly high-priced help—

Mr. Roy: I am sure.

Mr. Bell: Well, it does—

Mr. Roy: That is one point you won't have to emphasize.

Mr. Bell: There is no answer to it, but I would say a study we now have on hand, we anticipate, will cost us about \$50,000 and it will take about a year.

Mr. Singer: Well, Mr. Bell, that would be within your budget estimate, which is not what we are talking about.

Mr. Bell: No, I am only giving it as an example. I'm sorry.

Mr. Singer: Yes, but you are really not drawing money out of this programme.

Mr. Bell: No, not at all. I am just giving an example of what I would expect a study of this kind would involve.

Mr. Singer: We will come to you in due course, but we are talking to the minister at the moment.

Mrs. Campbell: Could we find out who estimated these figures in the ministry? Who did the estimates?

Hon. Mr. Kerr: My predecessor (Mr. Yaremko), I suppose.

Mr. Roy: And you know where he is.

Mr. Singer: He even has lunch with Liberals now.

Mr. R. Haggerty (Welland South): What's come over him?

Hon. Mr. Kerr: I notice one research project is here, Mr. Bell, "the exercise of police judgement in the application of the law." That is apparently under way with the University of Toronto centre of criminology. Is this involved with you in any way?

Mr. Bell: Well, obviously we will be involved with any study you have, because these affairs always hinge, let's say, upon a situation we have to deal with. These are all of assistance to us, and I hope we will have some input in it.

Mr. Roy: You say that project is in the hands of the centre of criminology of the University of Toronto?

Hon. Mr. Kerr: Yes.

Mr. Roy: And how much money did you budget for that?

Mr. Brannan: Seventy-eight hundred dollars.

Mr. Roy: Seventy-eight hundred dollars?

Hon. Mr. Kerr: We have a contract with them for \$7,800.

Mr. Roy: You have a contract with them, and it is under way, for \$7,800? Is that the only one of these items you can put a figure on?

Mr. Brannan: There are two that Mr. Kerr mentioned in his—

Mrs. Campbell: Could you speak up, sir, so we could all hear?

Hon. Mr. Kerr: Private policing was mentioned before, and I think you mentioned about \$10,000 with the centre.

Mr. Bell: Yes, sir.

Mr. Roy: That's one with the centre.

Mr. Lawlor: Privacy?

Hon. Mr. Kerr: Private policing.

Mr. Singer: But in order to keep this straight, I should point out that in vote 1504, which is Provincial Police, there is \$337,700 for planning and research. And I was looking for the Police Commission—which is your vote, Mr. Bell, 1503? I am sure there is an item in there.

Mr. Bell: I am sure there is too. There is more than one item in there.

Mrs. Campbell: You can count on it.

Mr. Singer: There is a substantial sum in there. What I was trying to do earlier, and what I think Mr. Roy and Mr. Lawlor are trying to do now, is to simply allocate the moneys that this vote is asking for, not the others.

Mr. Chairman: Are you finished, Mr. Roy?

Mr. Roy: Not quite. Do you have any of these contracts with the University of Ottawa centre of criminology, for instance?

Hon. Mr. Kerr: Not yet.

Mr. Roy: Not yet. Do you have any of them with anyone else, apart from the University of Toronto centre of criminology?

Hon. Mr. Kerr: We have just got the four that are under way now. I mentioned two at the University of Toronto, one at London, and one in Burlington.

Mr. Roy: One in London with whom?

Hon. Mr. Kerr: Is that with the London police? I think there is some social agency involved.

Mr. Brannan: London police, yes.

Hon. Mr. Kerr: And I believe social aid.

Mr. Roy: You mean the London police are on contract with the department? You want to say something—

Mr. Chairman: Mr. Brannan.

Mr. Brannan: We are contributing \$30,000 toward a pilot project which is carried out by the London police and social agencies in the city of London.

Mr. Roy: To do what? Which one is that?

Mr. Brannan: There are a number of social agencies handling family crises.

Hon. Mr. Kerr: "Police handling of family crises."

Mr. Roy: Police handling of family crises. That is a pilot project in London.

Mr. Singer: And which vote is that charged out of?

Hon. Mr. Kerr: This is the one the—

Mr. Roy: Which one is in Burlington?

Mr. Chairman: Item 2. We are dealing with item two.

Hon. Mr. Kerr: I believe the one in Burlington is the interface between the police and the courts, the police and corrections, and with other social agencies.

Mr. Roy: Well, is that a pilot project as well with the police?

Hon. Mr. Kerr: Yes.

**Mr. Roy:** And how much are you giving to them?

**Hon. Mr. Kerr:** I think it is around \$25,000, but I'll have that figure for you at a later date. It's around \$25,000 and it is an ongoing thing; it's about two more years—

**Mr. Roy:** Now, just one final question.

**Mr. Singer:** And is that charged to this vote or is the—

**Mrs. Campbell:** And that's \$25,000 a year?

**Hon. Mr. Kerr:** Around that.

**Mrs. Campbell:** A year for three years.

**Mr. Roy:** A year for three years. Now, this—

**Hon. Mr. Kerr:** Mrs. Campbell, the other two years are not agreed to, or confirmed, or anything like that. This is their anticipation of the time it will take to complete the study. We haven't necessarily approved anything but the figure we have given them here.

**Mrs. Campbell:** And whatever it is—

**Hon. Mr. Kerr:** This is only part of the grant, because the federal government is also involved here.

**Mr. Roy:** Now, the item mentioned by Mr. Lawlor, the \$3,000 to the centre of criminology in this vote—what is that for?

**Hon. Mr. Kerr:** That is just a grant that has been a traditional grant.

**Mr. Roy:** A traditional grant. Well, how come the University of Ottawa school of criminology doesn't get a traditional grant?

**Hon. Mr. Kerr:** I don't know whether this is older or what.

**Mr. Lawlor:** It was not given last year, so how traditional?

**Mrs. Campbell:** Well, it is traditional this year.

**Mr. Roy:** It's a short tradition.

**Mr. Chairman:** Do you want another \$3,000 for Ottawa?

**Mr. Roy:** Surely when you just take \$3,000 and give it to the school of criminology—Ottawa is struggling along out there, too. Why, all at once, you have this tradition?

**Hon. Mr. Kerr:** For one thing I know for a fact that the Ministry of Correctional Ser-

vices purchased quite a bit of research from the Centre of Criminology in Ottawa last year, and I think they have money in their budget this year for that. And, you know, they only have so much time, and whether or not they were able to handle of our work, I don't know. But, in any event, as I say, there are a number of items which still haven't been contracted for. I think Ottawa certainly gets as much as Toronto does as far as research grants are concerned. As a matter of fact, for a while they were getting more.

**Mr. Roy:** Well, I have no evidence of that here.

**Hon. Mr. Kerr:** No, it will not be from this ministry.

**Mr. Roy:** Okay, that's all the questions I have.

**Mr. Chairman:** Item 2 carried.

Item 3, task force on policing. Any further comments on that?

**Mr. Lawlor:** Yes, two things. One thing that is one of my long, rambling, unprepared speeches. And the second thing has to do with money. Could we please compare the figures against last year's estimates for this item which is a one-shot deal? You said it came to an amount a little below the \$186,000.

**Mr. Chairman:** Maybe we could have that figure. There's no money in item 3, of course. But you want to know what the final figure was, Mr. Lawlor?

**Mr. Lawlor:** That is right.

**Mr. Chairman:** Have you something on that, Mr. Minister?

**Hon. Mr. Kerr:** Mr. Hale, do you remember offhand? The task force figure, roughly.

**Mr. E. B. Hale (Chairman, Task Force on Policing):** It came to about seven per cent below budget, to the best of my recollection.

**Mr. Lawlor:** I'm not going to press on that point. Could I have a breakdown of the figures in line with the estimates as set out? This refers to salaries, wages, services, and so forth. May I have it in due course; not tonight necessarily?

**Hon. Mr. Kerr:** Do you have the actual expenditure for the task force?

**Mr. Chairman:** We don't have that, apparently, Mr. Lawlor.

**Mr. Lawlor:** No, but I've asked that it be supplied and I think Margaret wants it supplied too.

**Mrs. Campbell:** I certainly do.

**Mr. Chairman:** Does item 3 carry?

**Mrs. Campbell:** No, indeed.

**Mr. Lawlor:** No. We'll be on 3 for the next three weeks.

**Mrs. Campbell:** This is where we said we would discuss the recommendations, Mr. Chairman.

**Mr. Chairman:** I thought you discussed that in main office. Everything else seemed to be discussed in main office.

**Mr. Lawlor:** Mr. Chairman, you're not listening.

**Mr. Chairman:** I certainly am.

**Mrs. Campbell:** Mr. Chairman, I have been very hesitant to give my impressions of the task force report, having heard from both Mr. Roy and Mr. Lawlor about what a great report it is. I can't really agree with that position. When I look at the first two recommendations of this task force, I don't know what in the world you're expecting your police to do. They are to take into consideration the community needs, or requirements. In the material on which the task force arrives at these recommendations, it would seem that the police constable's judgement must be related to the objectives of the particular law and how those objectives relate to the situation within his community.

I would think that you're going to have to pay a great deal more money than you pay now if you are going to have the kind of person to make this sort of executive judgement. I suppose some of the people on this task force must have been out on the graveyard shift with the Toronto police, the one with which I'm most familiar, but I don't know how you expect police constables to react as suggested in these recommendations. I am going to make mention of the matter, which I've raised now once or twice and will be raising under other votes as we go, because of the way in which we function in these committees.

I wonder what the community's needs and requirements are with reference to a matter such as a very difficult strike in this community. It would appear, from all the evidence that I've been able to garner, that you have special police who are to be engaged to break down the pickets. I don't know how

that relates to what the community attitudes are, or what their requirements or how a police officer comes to grips with the discretion as to what is indicated, and if he is taking into consideration the objectives of the law—

**An hon. member:** What page are you on?

**Mrs. Campbell:** I am talking about page 14, the fourth paragraph, which is the catch-all paragraph, together with page 16—the two recommendations—if he is to take into consideration the objectives of the particular laws which, as I understood it, were to permit strikes and picket lines, I really don't understand how you can arrive at the conclusions that you do in practical cases.

I think one of the most, I suppose, amusing things, although underlying it was something that caused me great concern, is when a former member of this Legislature—who is not a big man, that is, physically not a 'big' man, and is not a young man, and who is one of the most ardent temperance people in Canada, I would say—was deemed by a police officer to have assaulted that officer. Secondly, he was questioned as to whether or not he had been drinking, and the whole thing was not only ludicrous, but serious in its implications—

**Mr. Singer:** A youngster of over 65 or 70?

**Mrs. Campbell:** He is in his 70s—and you relate this to the kind of recommendations we're talking about here. I, for one, believe that it is important the police have a social concern.

Surely it is their obligation to enforce the laws. If we have the lack of wisdom to pass credibly bad legislation, it can't be deemed that they have a responsibility for the stupidity of the legislators.

In any event, I have some grave concerns in that area. I am not going through each and all of these, because we would be here all night, but I would like to deal again with the recommendation that is contained in—I have forgotten the page now, where they suggest — page 35 — that they believe women should find a larger role within Ontario police forces. I am rather sorry that Mr. Renwick isn't here, because I would love to hear his dissertation on this one.

I would assume that notwithstanding anything that might be here, one is not engaged in any exercise whereby women, for example, would be armed. I note in the recommendation, that these exercises are called specialized and general duties with the op-

portunity for advancement equal to that of their male counterparts. I am sure we would not want to see a woman killed in the course of duty any more than we would like to see a man killed.

I wonder whether we are going to face up to the fact that if women are not in a certain stream, they are not going to get any kind of promotion.

At the present time, policewomen in Toronto want to be armed, partly because, I think, they want to be able to feel that they can get into the stream of promotions, and there doesn't seem to be any other opportunity. I think that most police chiefs are rather adamant that they will not, under any circumstances, arm women.

At the present time, women in the Metro police force are very often involved in the legwork, in bringing in the evidence, gathering it, and then in the final analysis, they hand it over to detectives who are their superiors and are inevitably male. I would like to know whether this wording is something that is going to be implemented, because if they have specialized duties I suppose they can get into the work which is so beautifully indicated in the film, "The Powder-Puff Patrol," made some years ago.

Really they are in a dead end as far as promotion goes, with the exception that we do have Fern Alexander, and I'm very happy about that. But pretty basically it is difficult for them. I find this recommendation, as it is worded, somewhat tongue in cheek, having in mind the practicalities of the present time.

Certainly I can't and don't quarrel with any of the recommendations relating to bilingualism. I am delighted that there is the thrust to permit those whose native culture and native language are not Canadian or English or whatever to play their part in the police forces. It would seem to me that these recommendations in this task force report indicate that not necessarily does a man have to be a tall man to be able to make it.

I would think that it is very important that we look to bringing in the ethnic groups, particularly when we have laws, such as laws pertaining to assembly, which most of them can't understand. They think we are absolutely insane, because back home this is the poor man's club, it is the street where he congregates to discuss things. One of the most difficult things I ever had to face as a controller in the city was trying to help them to understand our peculiar attitudes to people

congregating on the street. At that time they were pushed on.

I understand that we are to deal with the private security services at a later date. Certainly I am pleased to note on page 37 that the matter of foreign ownership is discussed and I'm ad idem with what is said there and the recommendation which is pursuant to that. I believe that most of the other recommendations, such as the structures and the rest, will likely be discussed under the particular votes. I would like to be corrected if I'm wrong on that particular item.

**Hon. Mr. Kerr:** We can get back to private security police.

**Mrs. Campbell:** That's not the only one. I've got that marked twice now to be absolutely certain that I can deal with that. I think the report on the whole has tried to bring about a humanitarian approach to the work of policing. With the greatest respect, I feel that they have confused the functions to a point where personally I wouldn't want to be a constable on the police force anywhere at this point in time.

I think it is an indictment of us that they discuss the matter of serious crimes and then those crimes where you can have latitude in the use of judgement. If there is that much latitude available, I suggest that we look at our laws and not try to mend our laws by working out the police function with reference thereto.

And certainly to my way of thinking I cannot go so far as Mr. Greer does in the article which Mr. Lawlor kindly loaned to me, when Mr. Greer states that the task force on policing is seen as a waste of time. But then he says:

For trite observations and gratuitous advice this report establishes some kind of record. Consider for example one of the main recommendations, that the reality of police judgement in the application of law be squarely faced in each police force, and deliberate and continuing steps be taken to ensure that each police officer has the ability to exercise his judgement so as to support the objectives and priorities of the force.

**Hon. Mr. Kerr:** That's our Harold.

**Mrs. Campbell:** Yes, but that to me is a most—

**Mr. Singer:** Fatuous?

**Mrs. Campbell:** No, I think it is a profound indictment of some of the thinking about the police themselves and what their role is. When it comes to the suggestion that the police become involved in domestic strife I wonder how many, again I say it, have been out in the graveyard shift when you don't know what you are coming up against. If you are going to stop and work out domestic problems at that hour of the night, I suggest you will not have too many police officers available for you, because they are among the most difficult things to handle, particularly in the dead of night, when they are apt to be most bitter for many reasons.

I would hope that there would be an opportunity for the committee to go through this report, as it is suggested we do with the royal commission reports. I would hate to see us embarked upon a series of expenditures in some of these areas before there is some kind of close scrutiny by the committee, recommendation by recommendation, because I think you are inviting an awful waste, and this is really part of my concern in the expenditures with which we dealt in the previous vote.

I would say that indeed I have read the report and I have reread it in part, and I probably will be dealing with other aspects of it as we come into the various counts. The constable's role is an important part of the report, but I presume that will be dealt with in another vote.

I make my general statements on this and I would like to have some kind of response from the minister to indicate whither away at this point in time?

**Hon. Mr. Kerr:** Yes, Mr. Chairman. Dealing with the comments on page 14, I think we have heard a lot about the para military system that seems to be part of our police forces in the province, I think particularly the OPP. I think this is what the task force was dealing with.

**Mrs. Campbell:** I have no doubt of that.

**Hon. Mr. Kerr:** For example, there are many areas where a police constable has to exercise more discretion than he has in the past. I think the Bail Reform Act, for example, is a good example of that. He has to make sort of curbstone, quick, on-the-spot decisions. He has to be a bit of a psychologist. It is all interwoven with the recommendations dealing with education.

**Mr. Lawlor:** He would have to be a bit of a psychologist.

**Mrs. Campbell:** Yes.

**Hon. Mr. Kerr:** This is all part and parcel of the suggestion there should be some latitude in the use of judgement. It's very rare for the average policeman in Ontario, particularly in small town Ontario, to be involved in serious crime. I understand the figure for Metro is about 20 per cent. He has to be able to be involved in domestic strife, to find that lost child; to take the little cat down from the telephone pole. There are so many things he has to be able to do.

**Mr. Haggerty:** I thought the firemen did that?

**Hon. Mr. Kerr:** Well, if they're not around.

**Mr. Haggerty:** Usually the fireman does it, though.

**Mrs. Campbell:** Usually the people on the street do it. Nobody else does it.

**Hon. Mr. Kerr:** For example, there is the whole area of youth and the impression the police officer can make on our young people and how he deals with them. I hear stories from time to time about—

**Mr. Haggerty:** If you don't start putting them back on the beat again you're going to lose that.

**Hon. Mr. Kerr:** Yes, they're doing that in Toronto and it looks as though it's very successful.

**Mr. Haggerty:** But not in the Niagara region.

**Hon. Mr. Kerr:** There is so much distance between stops.

**Mr. Haggerty:** They did it before they went into the region.

**Hon. Mr. Kerr:** That may affect your budget.

**Mr. Haggerty:** No. In fact, the budget was within reason but now it isn't.

**Hon. Mr. Kerr:** I think, seriously, you'll see a general trend back toward that type of activity.

**Mr. Haggerty:** That's one of the problems in the region now, the people don't see the policemen any more.

**Hon. Mr. Kerr:** I think that in my opinion that is one of the better parts of this report. There are a lot of advantages in the para-military concept of the police officer, the

idea of discipline and esprit de corps and this type of thing.

But because of the complexities of policing a city like Metro or Hamilton or Windsor, for the police's protection and for the good of the public generally, the more competent that officer is and the more able he is to react to a situation—as I say, I know they don't like domestic squabbles; they like to avoid them—but—

**Mrs. Campbell:** They do avoid them.

**Mr. Lawlor:** So do you and I.

**Hon. Mr. Kerr:** They're still involved in them, really, to a great extent.

Interjection by an hon. member.

**Hon. Mr. Kerr:** Traffic is another area where it may be there could be some more discretion than there is. When a person goes through a yellow light, are you really dealing with a menace on the highway? Depending on—

**Mr. Lawlor:** Circumstances.

**Hon. Mr. Kerr:** Circumstances, that's right. I think it goes right up the line to the problem of the number of people we incarcerate every year. There is the experiment of Hogarth's in York East; unfortunately he hasn't had a chance to really complete it or to really get it going. That's the type of thing which involves police in a rather unconventional role and I'm sure—

**Mrs. Campbell:** But the law does inherently provide discretion in the amber light situation.

**Hon. Mr. Kerr:** That may be a poor example.

**Mrs. Campbell:** You do have a youth bureau. Are you suggesting now that all police be trained in that area? It's a highly specialized field and functions very well. In fact, when you get other police officers in it can be very difficult. I think the very first juvenile case I had before me was when a police officer not trained in the juvenile field brought in a nine-year-old boy and charged him with indecent assault, and he a juvenile! I think, if you're talking about that kind of discretion I can go a little way with you.

**Hon. Mr. Kerr:** The chairman wants to know if he was convicted.

**Mrs. Campbell:** No. Seriously, when I look at the situation like the Artistic strike and the way in which that was handled, I

have very grave concerns about it. I'm not satisfied with what I've been told to date about the attitude of police and its relevancy to the way the community feels about a strike situation.

**Hon. Mr. Kerr:** How about this quote?

**Mrs. Campbell:** Which one are we at?

**Hon. Mr. Kerr:** It's on page 14; it says:

It is vital that the police understand the law and the legislative intention behind the law in order to properly judge whether any case truly calls for the invocation of the criminal law process.

**Mr. Roy:** How do we expect the police to understand—

**Mrs. Campbell:** —to understand, yes.

**Mr. Roy:** —when our courts don't even look at the legislative intent—

**Mrs. Campbell:** They can't look at the intent, and I don't know how a police officer can form a judgement—

**Hon. Mr. Kerr:** Relate that quote to the Artistic situation.

**Mrs. Campbell:** The intent of the law, as I understand it, is, on the one hand, that a legal strike is not to be treated by anyone in a harassing fashion—that the only function of the police is, presumably, to protect property and—

**Hon. Mr. Kerr:** Persons.

**Mrs. Campbell:** —to maintain order, but surely if you look at what happened in that particular situation one could not say that the police functioned in that way. There is no way that you could possibly come to that conclusion if you look at the whole series of events there.

**Mr. Lawlor:** The whole purpose of the police and the task force is to alter those series.

**Mrs. Campbell:** I agree with you, but then as I say, when you relate that to the first and second recommendations you then find that you want this to be something that the police consider in the light of the community, and they have this discretion—

**Mr. Lawlor:** Margaret, my darling, there are 168 other ones.

**Mrs. Campbell:** I agree with that. But if you get the whole fabric of it based on those first two, I am very much concerned,

because those are the really general ones. Most of the rest deal with specifics, and yet when it comes to specifics I quarrel with Mr. Greer in his evaluation. It's when they deal with the generalities that I don't see how a police officer in the pursuit of his employment as a police officer can be expected to deal with the intent of legislation.

He has legislation, which rightly or wrongly, he has to do something about. And I think in some cases, even in the pinball case, if I may say it, if you've got law—I don't know that you can condemn police officers if they enforce it.

**Mr. Roy:** I wasn't condemning the police officers.

**Mrs. Campbell:** I know that.

**Mr. Chairman:** Mr. Roy, you will have an opportunity—

**Mr. Roy:** I just wanted to—

**Mr. Chairman:** Let Mrs. Campbell finish and then Mr. Lawlor—

**Mrs. Campbell:** But the situation was that the minister indicated that in those areas where it was enforced it was because of complaints. Well, then, what kind of laws do we have? And is that what you mean by the exercise of discretion?

**Hon. Mr. Kerr:** There would be a certain amount of discretion. The only thing is that this is a situation within a certain community. A lot of laws are exercised as a result of complaints. I don't think the pinball machine law is a popular law. I think the police think it should be changed. But if certain members of the citizenry feel that the law should be upheld, I don't know what option the police have but to enforce it. Usually by enforcing it you get a change in the law. You get rid of a bad law.

**Mrs. Campbell:** Yes, but you can't—

**Mr. Singer:** Like offtrack betting, where you sat on your heels for two years until somebody up there changed his mind and then you stopped it.

**Mr. Chairman:** Mr. Lawlor.

**Mr. Singer:** Nobody changed the law; it was just a change in directions from either your office or the Attorney General's office.

**Hon. Mr. Kerr:** Well we have never had—

**Mr. Chairman:** Just a minute; with respect to the minister, Mrs. Campbell was to com-

plete and then Mr. Lawlor has something to say.

**Mr. Roy:** But we are talking about off-track betting.

**Mrs. Campbell:** If I may just give you an example—

**Mr. Chairman:** We are getting off the track, that is the trouble.

**Mr. Roy:** Pinball machines.

**Mrs. Campbell:** —of the situation in the domestic area. One of the reasons there has been such difficulty in enforcement of court orders is the lack of enthusiasm, if I may term it that, with which the police carry out their chores in the servicing of documents in that line of their work. I am very much afraid that if you get them involved in the domestic strife situations, unless it comes to a matter which is a police matter of assault, common or otherwise, you are going to really put the police in a very bad situation and you probably will have to amend any legislation that you bring about in that way.

**Hon. Mr. Kerr:** I'm thinking about the domestic situation where the whole neighbourhood hears what is going on. Somebody is screaming their lungs out—it could be a man or a woman.

**Mrs. Campbell:** It can indeed.

**Hon. Mr. Kerr:** It is obvious there could be criminal charges, very serious ones, involved, if a police officer doesn't appear on the scene pretty soon. There may be even a shotgun in the background.

**Mrs. Campbell:** Well they do appear in those cases.

**Hon. Mr. Kerr:** Yes.

**Mrs. Campbell:** And if there is a shotgun they normally take some kind of action. But the law is clear on matters of assault, as I say, common or otherwise. To get them involved in domestic quarrels, apart from that involvement, which they would otherwise have as police officers, I think you would find it would be so distasteful to the police they wouldn't do it anyway and the law would go by default. That is the kind of general concern I have about that sort of recommendation—how far do they go; what do they do.

It is the same reason that Metro tried to get away from having police officers in the

position of tagging vehicles, because it certainly took away a great deal from the public view of the police as such. I would be concerned, unless I could get some very clear instances as to just what they are getting into in the matter of domestic strife. That's all; I hold it out as a warning.

**Mr. Chairman:** Mr. Lawlor.

**Mr. Lawlor:** Thank you, Mr. Chairman. My colleague, Mr. Renwick, a little like the member for St. George, has expressed to me discontent with the task force report on police. I suppose on that basis I inhibited him from sitting beside me tonight. Again I would like to reiterate my friend Mr. Renwick's position. Basically, it is that he finds all these reports, at least the first 50 pages, concerned with what he calls "rhetoric"—and that the performance simply never seems to him to flow. There are fine words, but little action and no real alteration of mood or disposition or effectivity. The man's been around for a long time, and I suppose has a point.

I won't mention Harold Greer's article. There is that peculiar kind of sour sweetness that characterizes the fellow—or sweet sourness, whatever it is that goes into these articles—and a somewhat lofty cynicism. It does not seem to me to take into real insightful account what they are seeking to accomplish in this report in its overall impact and emphasis.

Let me go back. Putting people in jail is a relatively new thing in the western world. If a felony was committed in the first 25 years of the last century, people didn't go to jail, they were executed. Petty trespass, petty crime, petty theft, petty anything; that, ipso facto, was just cause for hanging and quartering and maiming and putting in fires and various forms of drowning and any other form of public entertainment.

But now we have Hollywood and have been able to abreact all our more vengeful emotions. When the prisons finally did come they came out of a monastic concept; that is isolation in your cell, beating your breast, repenting. And when William Penn came to North America he too had this old monastic thing, in that he was placed in jail for many years by the British and he learned to pray. He thought everybody else could do the same thing, particularly when he got to North America, so they established the first penitentiary.

**Hon. Mr. Kerr:** That wasn't named after him, was it?

**Mr. Lawlor:** Yes.

**Hon. Mr. Kerr:** Was it really?

**Mr. Lawlor:** Sure; taken together with the fact that it's supposed to be penitential. Well Penn was highly penitential, as his name indicates. And I don't think a single person, except the bird man of Alcatraz ever came out of the place—if he ever did come out. Did he?

**Mr. Roy:** No, no.

**Mr. Lawlor:** Was he flown out with the pigeons type of thing?

**Mr. Roy:** Just toward the end, he was.

**Mr. Lawlor:** In any event, then various theories of penology came along where they used to measure the cranial capacity and the mongoloid structure of the nose capacity. This was set up, particularly by an Italian criminologist.

**Mr. Singer:** Hitler was big on that.

**Mr. Lawlor:** By the way, the word criminology comes from two words, criminal anthropology, as they used to call it in the beginning of the 19th century; somebody ran the two together and it ended up as criminology. And so Ludovico Johbroso, or somebody, wrote great treatises on this and would have had an enormous impact throughout the century except that some American scientist a little later on measured the cranial capacities, slant of the nose, contour of the eyes and what not, of university students in the United States, and found precisely the same incidence; so that biological theory kind of went out the window.

So they turned to Sigmund Freud and to the possibilities of various kinds of mental illness and alienation, which has gone a little far in our time too, as to the root causes and stimulation as to why people were criminals. They fear that you really can't help it, that your Oedipus complex got the better of you at an extremely early age and you never really overcame it. Well I suppose a lot of people don't, but I hardly think that is necessarily the determining factor in crime.

That's for background material. I want to cite to you an article written — you'll excuse the magazine I am sure, it's the American Scholar; one of a whole series of articles about crime in all its various dimensions—by a fellow by the name of Daniel Glazier who was at the University of Southern California and has written extensively on criminal matters. He says:

The British and American police evolved from watchmen. First they were organized as local volunteers and then they were a private service that merchants could hire. [We have a kind of reversion in our midst, haven't we?] And finally, in London in 1829, they became municipal employees.

Their organization of city government units contrast with the national quasi-military police in most other countries. They are supplemented by miscellaneous special police units, such as the FBI, and by an older but much larger Anglo-American police form—the county sheriffs and so on. The watchman style of policing, as James Q. Wilson calls it, is characterized by high subservience to politicians, frequent corruption, low education and low pay—

let me just pause here. The merit of our system, the abiding integrity of you men who are running the police forces of Ontario, that is the only thing that saves us from what we've learned about New York of recent date and the peculiar problems in Philadelphia—all over the United States. That dreadful, loathsome, creeping corruption that has worked itself into the police units. The prime reason we are not infiltrated and why organized crime doesn't gain the tentacle-like hold on us is precisely because of the integrity of these men. The article goes on:

—frequent corruption, low education, low pay, with little education or rank differential among officers of different rank and chiefs recruited only from within the force. Since World War II most of our cities have shifted to a greater or lesser extent from the watchman style to what Wilson calls legalistic, and others call a theoretic style of policing.

There's emphasis on discipline. There's professional pride in impersonal relations with the public. There is an endeavour to reduce or eliminate traditional police functions other than law enforcement, such as chauffeuring politicians and knowing slum neighbourhood delinquents, storekeepers and housewives on a personal basis. The militaristic models are evident in the high stress on technology.

We all know what the police and the task force thing have said about the impact, and what technology has done in terms of depersonalization, particularly affecting the police forces of the province over against the citizenry at large. There they make a valiant, if somewhat groping effort, to reverse that.

Point it out, make it aware, and then let's forfend against it they say.

... the high stress on technology and promotion and higher pay is contingent on formal training in national recruitment from all ranks, and especially in the spirit of war against law violation. This spirit becomes especially manifest in policemen's reactions to what they perceive as illegal assemblies, where their tactics are to initiate the use of force, much like a war-time army unit in an enemy city. What Wilson calls the service style has become prominent in newer suburbs since the 1950's and has been growing rapidly in some large cities recently with a militaristic model that was grossly discredited in crowd control and minority group relations.

And we are feeling the impact of that. This report takes this 1950 phenomenon, coming from the United States, into account, assesses it in our contemporary context here in this province and adopts some of its nostrums.

I think that for a very long time, and anyone with goodwill in this matter, will agree that police methods with crowd control were terribly deficient and terribly punitive. It was all based on the wrong psychology and on not quite knowing what to do. The easy thing to do when you don't know what to do is to lash out, hit and hurt. It's a kind of self-defence mechanism of an officer who has no certainty or has no great self-confidence in his role or what he is supposed to do.

We all do that if we are not confident of our positions in this life. Minority group relations have been bad, but they are improving rapidly. The report gives an extra stimulation on the ethnic model to doing that. I see Negro policemen on our force now, and Portuguese fellows are being hired and Italian police officers; and it's all to the good. It simply must be. Only they can come to understand their own people and move with ease among them.

This service approach to policing emphasizes promotion of public goodwill and recognizes that police are the only agency available at every hour of every day for any kind of emergency service, from mediating domestic disputes [and I think you are dead wrong, member for St. George] to procuring medical aid.

[Interjection by an hon. member.]

Mr. Lawlor: —to continue:

Much discretion is given police in handling misdemeanours and juvenile delin-

quency by conciliation or assistance rather than by law enforcement. Finally, in optimum, big city crowd control, there is an effort made to isolate contentious assemblies so as to limit their growth and avoid disruptive encounters.

We know what happened down at the hotel on Front St. where groups, particularly one group of highly undesirables, lit fires and were incendiary with respect to other groups. People from Chile were affronted and deliberately set into encounter.

To facilitate rather than impede their non-violent expression I suggest good working relations by reporting in to the police and making an understanding with them as to how many policemen are required. The whole thing that arose out of what happened at the Science Centre is an enormous lesson, which I think has been turned to good account again by the major police people in this province.

Most police forces still have an excessive secrecy and a resentment of criticism, surviving from the watchman style. As well, there are many officers with an excessive rigidity in petty enforcement and a proclivity to over-reacting with force, surviving from the legalistic, militaristic style. Such hangovers from the past, however, are repeatedly batted by the press and public with some effectiveness. [Are these hangovers?] There continues to be an undercurrent in this regard, partially bred by a peculiar syndrome that affects police forces and affects military forces, and an inbreeding and an introspection.

It was pointed out in the course of the report the incidence of police officers finding friends only among themselves; a sense of being on the defensive; a sense of pulling back from the public in some way.

That again is sought to be reversed in terms of the actual police functions which they are setting forth in the course of the report. I can't, like the member for St. George, hope to cover the many areas in the report, but I would like to take three or four main points. First of all, the major point — the business of the role of the police force.

Renwick and myself, for six years past, and it's in Hansard for proof—and I do take great umbrage with this task force for not giving my colleague and myself honourable mention for our basic nostrum which said many years ago somewhat along the same line—at that time we did an investigation reaching some of the same conclusions as

the report. We looked into the laws of England and the greatest volumes published on those laws, Halsbury's laws, as to what police forces should be, and how they were constituted.

Mr. Peel, in the nomenclature of this report, says that the police are the public and the public are the police. Our contention has been for a long time that a policeman is not like a soldier, that the militaristic model was the wrong one, that he has and must have, in order to perform his functions in the community, a great measure of personal discretion. This means that somehow or other he has to come to acquire a goodly measure of judgement, of real sense in relationships.

I think that is on the way. I think that the Police College at Aylmer does give some emphasis to this; and it will be given more emphasis if this report is abided by. Far greater insight will be given into sociological root causes operating in this society, where change is always taking place. And you know, one doesn't despair. All the changes in society aren't necessarily bad.

As a matter of fact, the changes promoted here go from what I call Diocletian to Zen. Or to put it another way, remember that Plato in his "Republic" had a highly integrated and regimented society where police forces were guardians. They were the muscle boys who really put the screws to the population. People wouldn't be able to play a different kind of music; they had to play the same tune every day otherwise their souls would be altered. And they were very much against that. Nor could you have, as he put it, new kinds of poetry. You had to take traditional models and stick to them. Otherwise you were corrupting the society.

In that particular, I would place as a contrast to that the contemporary theories which we see on television every day, bless us, of yoga. We get all kinds of contrast. There is a shift of insight from authoritarianism to persuasion and personal self-development; from hierarchy to participation; from coercion to sensitivity training; from legalism to equity in its broadest sense; from terror and fear and violence and force to a certain suavity, grace and encouragement of others; from negative enforcements of all kinds to positive encouragements.

These are the healing and operative forces working in our society. Again, this report is cognizant of that; it is aware of these trends and promotes them. I can't do anything than promote the report on the basis of that kind of understanding.

As to the judgement of police officers, I'd just like to point out, on page 15 this is particularly important under Canadian law where a police officer is a servant of the Crown and of the law, not an employee of his force or municipality. Because of this he carries directly and personally the responsibility for his decisions on where and when the sanctions of the criminal process are to be imposed. That's his mature role and that is a kind of autonomy for an officer-centred force of men adequately trained to this purpose, with diversity of discipline and with the opening up of universities and community colleges to this process of training which isn't constricted to the narrow grounds of law enforcement but includes the six major purposes set forth at some length on pages 17, 18 and 19 of the report.

We are of the view, however, that a far better balance among the six functions should be sought if the province's need for crime control and protection of life and property are to be met; with the business of response in a very wide area of referral, of having these referral services and referring them away to two bodies or groups in the community, probably under Community and Social Services or such groups, rather than the police doing it themselves.

They can act as a co-ordinating function; and since they are available all these hours this can be done. The preventive aspect in everything — preventive health; preventive ignorance; preventive police work — is primary but hasn't been because the load of actual crime solution and the apprehending of criminals—the emphasis being placed there —has derogated from and downgraded the role of prevention, public education, crime solving and law enforcement.

The last two are the ones that have been traditionally at the focus of events, and which no longer would be under the terms of this report. It would be a balanced entity and all to the good.

This is an enormous development. In terms of police discretion I would give a very wide amplitude in that particular, and I wouldn't invoke a legalistic stance as to whether or not he is a pure robot of the law, imposing its strict terms in line with the legalistic, militaristic stance, as I pointed out earlier.

I'm intrigued by certain things about the selectivity process and about the IQ tests—I understand some of those are presently afoot and going forward in the province—

and the business of bringing a management psychologist into play.

First of all, I'd like to ask the minister what, precisely, a management psychologist is; and whether, if he is what I think he is, he is the right guy to get. Again there is a certain mentality invoked by the very term.

What he is trying to do, and you will forgive the term, is give a kind of sensitivity training, a greater degree of awareness of the currents operating in society and of human plight and how to deal with them. There is a wide range; from family circumstances to youth and the business of setting up youth squads of men who are not in uniform and who move among them, who are at the street corners. We have a couple in my riding and I tell you they do yeoman service.

In Lakeshore riding there is not the great incidence of crime which you would expect. It's not a rich region. There is a great deal of poverty where I come from and home conditions aren't good, because I hear of them all the time. People's lives are distraught, torn to pieces in contemporary civilization, particularly if they're not well off. If you're well off you can build walls around yourself. There's a kind of insanity in that, too. But in that area the police working there with the youth have alleviated most of the ills as I see it.

My feeling is that perhaps older police officers and the men who have come up from the bottom through a long process find this hard to adapt to; find, even, that a somewhat bleeding heart is repulsive in a way. The way to deal with your children is to give them a whack, twist their arms, give them a clout on the ear so they'll be deaf for the rest of their lives and any number of things.

A coercive, brutal approach to the thing never got anybody anywhere. All it does is breed a multiple, geometrical progression of greater ills, because they're going to get back. The war goes on and society becomes a whole series of warring factions with every man's hand raised against every other man.

We can no longer do that, because the balances in our society are much too delicate. If that happens we'll go off into fascism as we get closer to it. This is the dark side of the picture after I've give you the lighter side.

In the business of saying there's a new management approach being put forward, it's particularly set out at page 6 in the report, with all its implications. There are pages and pages as to the new approach, and while

my friend may call it rhetoric I think that a basic alteration in attitudes, a basic way of looking at things a little differently, is the first initial baby step toward change. Unless that's done, nothing will flow; unless people change their attitudes on things. Therefore, since this indicates an alteration in mood and attitude on the whole situation, the report can't help, I suggest to you, being commended.

I was going to not elaborate but make a few, I thought pertinent, remarks about the private security forces of this province. As Mrs. Campbell has indicated, that would probably be more adequately handled a little later on in the course of the report.

Let me glance at something to see if I have covered what I want. The statement issued by the task force on policing—the high-light statement—is all by itself because it reorients the patterns of the report and sets out in very succinct and readable form the basic thrust and purpose of the report. In a section on the new management need in policing it speaks of judgemental skills and business within the force itself; the type of disciplining done of police officers; the openness of the deliberate attempt to make the officer move among the public and to feel free and easy; for the public to have a good acceptance of him because, partially on the ticketing thing and partially because of the old style of imposing the plenary effect of the law in every conceivable circumstance, particularly arising out of highway traffic matters, it has made a bad left hand turn. It doesn't follow that imaginary centre point, the centre of the road around which you must bring the vehicle but has cut over this way.

I'm sure if any police officer followed any one of us around for a 12-hour day we would come home with multiple summonses in our pockets. It seems a kind of inevitable thing, and so the imposition of the full force of the law in all these circumstances is kind of absurd. Yet there are police officers, and they're not bad apples, who do have that restrictive and coercive view of the imposition of law and, I'm afraid, take a certain joy in it.

When you are stopped by a policeman, even the bravest of us have states of trepidation. I am so terrified that I usually crawl under the seat. I think, "How many points am I going to lose this time?" Once in a while you step out of the car and wish the officer a good day. He says, "I see you are an MPP. You are really going to get it right between the eyes, boy." I say, "I'm just

like anybody else, I am afraid, only a little more worse off."

I don't think I resent it. Every citizen deserves it. It does one good to get the ticket. But in other circumstances, a little leniency, a little discretion, and a little damn common sense, might be very beneficial.

Chiefs of police and people in charge of police organizations are cognizant of that and should sanction that, not just wink at it. Part of good public relations and part of the function of a good policeman is to know when to do it and when not to do it; and he ought not to be held in bondage in any way. He should be commended because this is the new image.

This is what is going to happen if we are to develop the fine relationships that exist now. The report points out wide areas of resentment, with deeply felt feelings by many individuals in our society that they have been treated badly and unjustly by police officers from time to time.

Well, I think I have said enough for the time being on this. As has been indicated, various votes as they come up will make an indication to certain select and very definite recommendations of this report, and from time to time I think we may advert to them. Thank you very much.

**Mr. Chairman:** Thank you, Mr. Lawlor. Mr. Singer?

**Mr. Singer:** Mr. Chairman, I am not going to go on at any great length, except to puzzle for a moment or two about the usefulness of task forces and why we devote such great sums of money to studying task forces after they have reported.

I guess it is an endemic disease in the government of Ontario that first when we have a problem we listen to the members of the Legislature; then if the problem gets serious enough we appoint a task force. Then, having appointed a task force and getting a report from them, we appoint various bodies and allot various sums of money to examine what the task force has said. What government seems to hesitate in doing, is to come to grips with problems.

For instance, who is there who defends the small police force? How many years have I come before this committee, or the predecessor of this committee, and said there is no excuse for maintaining one, two, or even 10-man police forces? Everybody nods wisely, and in the last year or two we have gotten around to the point where I was being told, "Wait until the task force comes in and they

will tell us whether or not we should have small forces."

For a year or two the Ontario Police Commission did a fair job of eliminating small forces, but they have marked time over the last two or three years, and the excuse was that they were waiting on the report of the Ontario Police Commission. So the figures over the last few years have been almost static.

Now if you read this, again there is a recommendation that should be no surprise to anybody. It states that small police forces aren't that efficient and that they should be larger, better trained and better paid. Good sense. Why don't we do it?

Do we need the additional sums of money that are put into this budget? I was at one item earlier this afternoon—\$546,000 in the ministry's office. And if you go over to the Ontario Police Commission, you'll notice that their top figure has gone from \$717,000 in 1972-1973 to \$1,797,000, a jump of a million dollars in 1973-1974. This year we add on another \$700,000, bringing it to a beautiful total of \$2,409,000.

When you look over on page J61, you see that \$851,000 is devoted to services, and I am sure if we had the patience to go through the exercise that I tried to go through this afternoon, we would find a similar series of recommendations about studies and more examinations and more hiring of outside people. To study what? To study this book again.

Then you go over again to page J65, and under the Ontario Provincial Police we have a figure of \$337,000, and I presume for exactly the same thing.

Well all right, there are shades of difference; but how long do we go on investigating the investigators? Look at the overall figures. We jumped from \$75 million in the Solicitor General's estimates of 1972-1973, to \$87 million in 1973-1974; and now we are up to \$98 million in 1974-1975. Frankly, I don't really see the difference in thrust.

What I would like to see is the Solicitor General come forward and say: "I like the first 75 recommendations, and dislike the second 75; and as a part of government policy we are going to bring in these things as part of law or administrative directions, and that is where we are off to."

It is interesting. How long have we agitated about the elimination of judges from police commissions? Mr. McRuer said something very cogent about that. It is the most hotly contested recommendation in this report.

If my arithmetic is right there are 17 members of the task force and seven of them dissented from the majority recommendation; seven of them would keep a judge on the police commission. But of this 10 majority, it is interesting to note that six of the 10 who go along with the majority opposition are really policemen of some kind or another.

There is Syd Brown, who is the representative of the Police Association of Ontario; there is James Erskine, who is the assistant commissioner of the OPP; His Hon. Judge Tom Graham, my good friend, who was a policeman and is a policeman, on the Ontario Police Commission; D. Frederick MacDonald, the executive manager of the Ontario Provincial Police Association; J. L. McIntyre, the vice-president of the Association of Municipal Police Governing Authorities; and Edward A. Tschirhart, the chief of police of Barrie. Now of the majority of 10, seven of them are policemen, and—

**Mr. Haggerty:** You would think there was a conflict of interest.

**Mr. Singer:** And I wonder, I wonder very substantially, whether or not the kind of recommendation that McRuer favours, and I have favoured over many years, and that the seven dissenting members of the task force favour, shouldn't be the kind of recommendation that the Solicitor General should have come to grips with when these estimates are here before us.

What bothers me about the whole approach of government is that the problems mount up, we appoint a select committee and/or a task force, and then we devote hundreds of thousands of our dollars in succeeding estimates before we come to any decisions.

I don't know whether the exercise is worth while or not. What it does do is frustrate those of us who have believed over some period of time there is some usefulness in the legislative process in trying to come to grips with the serious problems. And I have singled out two; judges on police commissions, and the elimination of small forces.

There are many others.

I am not trying to deal at length with this sort of thing, but really what I am trying to say is I don't see the excuse for the very large sum of money that apparently is going to be devoted to the further examination in the task force report. What I would like to see is the Solicitor General take the bit in his teeth and come in and say: "I like the following recommendations and this is what we are going to do and

let's discuss it; and if you don't agree with me, let's hear the argument."

If the Solicitor General was prepared to do that, and do it forcefully and do it intelligently, then we would get on with police reform. There are many urgent reforms that have been marking time for a long period of time and we are not getting on with it. That is really all I want to say.

**Mr. Chairman:** Thank you, Mr. Singer. Mr. Lane?

**Mr. J. Lane (Algoma-Manitoulin):** Mr. Chairman, the remarks that Mr. Singer has made regarding getting rid of the small police forces doesn't sit very well with a northerner.

How can we police an area such as I live in where there are 30,000 people over a 200-mile radius? What can a large police force do in an area like that? We have to have a small police force. There is just no way we can properly police that kind of an area with one large police force; members driving 100 miles in each direction. It wouldn't be possible.

**Mr. Chairman:** Thank you, Mr. Lane.

Item 3 agreed to.

Vote 1501 agreed to.

**Mr. Chairman:** That completes vote 1501.

On vote 1502:

**Mr. Chairman:** Vote 1502—public safety programme—item 1, programme administration. Mr. Singer? Mr. Lawlor?

**Mr. Lawlor:** Item 1, I have nothing to say to that.

**Mr. Singer:** I am saving venom for item 3.

**Mr. Chairman:** Item 1 carried?

**Mr. Haggerty:** What is this programme administration, how broad is this? Does it include parts of fire station services and emergency measures? How broad is it?

**Mr. Chairman:** Will you comment on that, Mr. Minister?

**Hon. Mr. Kerr:** This is programme administration. This is administering the programmes of the fire marshal, the chief coroner's office, the Centre of Forensic Sciences, forensic pathology and the emergency measures branch. Mr. Wilson may want to deal with that point; I believe it includes Mr. Wilson, who is an assistant deputy

minister heading up the public safety programme and his staff.

**Mr. F. L. Wilson (Assistant Deputy Minister):** That is correct.

**Hon. Mr. Kerr:** Does that answer your question?

**Mr. Haggerty:** Well, let's take the grant to the St. John Ambulance Association, for example. Is there any possibility that if a member of the St. John Ambulance Service here administers first aid in highway accidents, there could be a law suit against that person because it is thought there might be negligence on the part of the person administering the first aid services? Is there this possibility?

**Hon. Mr. Kerr:** I would think there would be, yes. That's always a possibility in performing any public services of that kind.

**Mr. Haggerty:** Should there be, though? I have a private bill introduced in the Legislature—the Good Samaritan Act. I know persons involved in safety, particularly in industry, who are members of the St. John Ambulance Association. I know almost every member of the Niagara Regional Police Force have their arm shields indicating they are members of the St. John Ambulance Association. They are all a little bit concerned about whether they should be applying first aid emergency services in the field to persons involved in accidents or in any emergency that may arise. If there is a chance there would be civil action taken against them, should that risk not be removed or should some further protection not be given to them? I believe the ambulance services that are rendered by the ambulance drivers in Ontario do have that protection. Am I correct?

**Mr. Wilson:** No, I don't think so, sir. There is no Good Samaritan legislation in existence at this time.

**Mr. Haggerty:** In other words, for the ambulance drivers there is a possibility they could be taken into the courts on a civil action?

**Mr. Wilson:** There would be a possibility, Mr. Chairman, but only if they exceeded their ability in treating a person. In other words, there is a responsibility upon everyone not to act in such a way as to harm a person or make their condition worse.

**Mr. Haggerty:** Let's take an example in industry where there could be an industrial accident, and of course everybody pitches in to get a man out of a jam. If he is trapped in between elevators or something like that, it's often a question of whether people should be involved without some protection. I think there should be some guidelines set by the government that does give that person some form of protection. I know cases where doctors, and even nurses, have not acted upon—

**Mr. Chairman:** It's a classic example, Mr. Haggerty, that there is no obligation for a person to save another person if he is drowning. But once he undertakes to save him, if he is negligent, then he may be liable. That runs right through our common law.

**Mr. Singer:** In 1965 we advocated Good Samaritan legislation. We are still advocating it and still haven't got it.

**Mr. Chairman:** In any event, I appreciate the point that you are making and I don't know that there is anything—

**Mr. Haggerty:** Well, maybe if there is a change of heart by the minister, he will bring in legislation.

**Mr. Chairman:** Is there something in programme administration that would cover that in any way?

**Mr. Singer:** You could ask one of these bodies to do a little research on it.

**Mrs. Campbell:** You need more money.

**Hon. Mr. Kerr:** No, this is in the whole area of negligence. I don't know how you could separate people, for example, who are with the St. John Ambulance Association, from other types of public service of this kind. I realize they are providing a humanitarian service in the health field.

**Mr. Singer:** There are numerous examples of Good Samaritan legislation in the western world. There have been arguments about it here in the Legislature at some length. With very little research somebody could come forward with a bill. I am sure Mr. Wilson could dream one up in a couple of hours.

**Mr. Haggerty:** I'm sure the minister is aware that the firefighters' association in the province of Ontario is supporting some form of government action to bring in legislation that would provide some form of protection for them.

**Hon. Mr. Kerr:** I don't know what you want me to say, really.

**Mr. Haggerty:** Well, how about spending this \$176,000 that you are going to spend in the first place?

**Hon. Mr. Kerr:** I am sure, for example, to prove negligence in that area is very difficult and I think it would have to be almost a degree of gross and culpable negligence for a certain amount of liability to be incurred. I don't know how you could exempt people from liability in a situation like that. Everybody is human, and even if they are in this area—

**Mr. Singer:** Prof. Al Linden has written numerous learned articles about Good Samaritan legislation. I've quoted from him at length, so have several other members. It is all there.

**Mr. Chairman:** Mrs. Campbell, you are a Good Samaritan. I think you wanted to comment on that.

**Hon. Mr. Kerr:** I think looking at court decisions—

**Mr. Singer:** No, but we write law; we don't look at court decisions if we don't think they take care of the circumstances.

**Mr. Haggerty:** The purpose of it is that in any accident it is a matter of how soon you can treat the injured person, and that's what they are concerned about. If persons hesitate even for a matter of a few seconds, a life can be lost. That is what persons trained in first aid are concerned about—should I act now or just turn my face and walk the other way? And this is what is beginning to happen.

**Mr. Chairman:** Well, maybe your bill will carry in the House.

**Mr. Haggerty:** No, no; I think there should be some direction from the ministry.

**Hon. Mr. Kerr:** There is no reason why we couldn't enact legislation that says in so many words that a person who takes reasonable care in the exercise of his duty—

**Mr. Haggerty:** That is what the bill says.

**Hon. Mr. Kerr:** —and performing his duties, basically will not be liable unless there is negligence for the omission of certain acts on his part. But it can be done already; we've got quite a bit of common law in that area. Whether or not it is sufficient, whether the precedents or decisions from common law are sufficient, I don't know. But that could be done.

I will take a look at the hon. member's bill. I didn't realize there was that great degree of reluctance on behalf of a member of St. John Ambulance to perform his or her duties because of that.

**Mr. Haggerty:** No, I don't say particularly St. John, but other persons involved in first aid emergency treatment.

**Mr. Chairman:** Mrs. Campbell.

**Mrs. Campbell:** I would like to look just for a moment at perhaps another side of the coin. It seems to me that if government funds subsidize, in any way, programmes such as Scout programmes or St. John or any of the other programmes, there is a sort of holding out almost to people that they are expected to use their skills, in an emergency particularly. It isn't too long ago that I believe the head of St. John Ambulance was sued.

I wonder, too, on this question of reasonable care, as one puts it, having regard to the emergency or the situation, then I think there is something to be said. But that standard of reasonable care is very difficult when you're dealing with an emergency situation and you're using the best that you have in the way of skill and training.

I hold a St. John Ambulance training certificate, but I tell you about all that I would be prepared to do would be to treat for shock, I think, because I'd be too frightened. Anything could happen. I think it shouldn't be a deterrent, because it is true that sometimes lives can be saved by acting right at the moment.

**Mr. J. E. Stokes (Thunder Bay):** They're afraid of the lawyers.

**Mrs. Campbell:** Well it's the law that the lawyers are working on; hopefully they aren't departing from that.

But there is a problem, and one of the interesting things when we talk about this public safety programme is the matter of the police within your service.

What a pity it is that they often are the first people to arrive at the scene of an accident and yet practically none of them that I have seen—I'm talking municipally now; I'm not familiar with the OPP—are equipped with even the slightest provisions to give some relief at the moment.

I'm thinking, for instance, of a fatal motor vehicle accident that I was at some time ago on the Queen Elizabeth Way.

Again, the first people on the scene in this case were the Metropolitan police. They didn't even have blankets in their equipment, which I would have thought might be at least a starting point. I tried to get the council to provide at least that minimal equipment, because often shock is fatal.

So, I certainly would like to see not only Good Samaritan legislation, which certainly the city has requested, ad nauseum, over many years; together with a look at the equipping of those who are first on the scene—even if it is just blankets or something to cover somebody from the pouring rain, as in the case I cited.

I would like you to give some thought to these things because if we are having our police really involved in all of these aspects—I don't quarrel with that interpretation—then surely somebody should be able to handle a situation on the spot.

**Mr. Chairman:** Shall item 1 carry? Item 1 agreed to.

Item 2?

**Mr. Singer:** Item 2, Mr. Chairman. I made this plea before, but I'm going to make it again. I see we still call the organization the Centre for Forensic Sciences. The foundation of this organization and the credit for it should go to Dr. Ward-Smith. Those of us who have been around for a bit know of him—who he was—and knew him personally. He was a very dedicated and sincere and able civil servant. He died a few years ago while he was still within government service.

I have made this suggestion over many years, and I'm going to try it again. We should change the name of the Centre for Forensic Sciences in some way to adapt into it Dr. Ward-Smith's name. Because if there is any one man who deserves recognition in this particular field in the Province of Ontario it was the late Dr. Ward-Smith. And I think it would be most appropriate that the Province of Ontario recognize the great and dedicated service he provided in this particular field. He was the man—

**Hon. Mr. Kerr:** For that new building?

**Mr. Singer:** Yes.

**Hon. Mr. Kerr:** Well, it's named after—it's called the George Drew complex. Do you see any conflict there?

**Mr. Singer:** George Drew? I said Ward-Smith.

**Hon. Mr. Kerr:** No, but that's what it's being called.

**Mrs. Campbell:** Well, there's the conflict.

**Hon. Mr. Kerr:** I'm told that the library in the centre is the—

**Mr. Singer:** Well why couldn't we call it the Ward-Smith Centre for Forensic Sciences?

**Hon. Mr. Kerr:** Would anybody like to comment on that?

**Mr. Chairman:** I gather it's already called the George Drew Centre, is it?

**Mr. Lawlor:** Good old George is going to roll right over.

**Mr. Singer:** George Drew really didn't have much to do with establishing this branch of—

**Hon. Mr. Kerr:** The library is named after him, you know that. It may not be enough, you know.

**Mr. Singer:** I don't think it is enough.

All right, tell me about the relationship between this and forensic pathology, which was a new activity last year. Are they both being carried on by the same groups, and why have we got two separate items? Why don't we put them in together?

**Hon. Mr. Kerr:** No, it is a separate branch, a separate function with separate personnel.

**Mr. Singer:** What is the difference?

**Hon. Mr. Kerr:** The Centre of Forensic Sciences, as you know, is involved mainly in the production of evidence.

**Mr. Singer:** Testing, experimentation, breathalyser tests, that sort of thing?

**Hon. Mr. Kerr:** Biology, chemistry, document examination, firearms and tool marks, photography, toxicology; and also with lectures at the police college.

**Mr. Lawlor:** Drugs.

**Hon. Mr. Kerr:** As far as forensic pathology is concerned, the main purpose there is to find the cause of death, for example, in an accidental or violent death, to attribute the cause of that death; to investigate, to hold autopsies and things of that kind.

**Mr. Lawlor:** Yes, working with the coroner's office.

**Hon. Mr. Kerr:** Yes, mainly working with the coroner's office.

**Mr. Chairman:** Mr. Lawlor.

**Mr. Lawlor:** Yes, I have several questions here I would like to ask. The question on which I am not clear on the answer is, I understand that the centre is quite prepared to do any number of things on behalf of defence counsel in criminal cases—the analysis of handwriting, bores of guns, various metal objects, documentation, any number of things. Are they equally prepared to service, first of all, the legal profession as a whole, civilly too?

**Mrs. Campbell:** They are very civil.

**Mr. Lawlor:** Yes, they are very civil, but that kind of civility gets you nowhere.

**Hon. Mr. Kerr:** Mr. Wilson, would you like to comment on that.

**Mr. Chairman:** Mr. Wilson.

**Mr. Wilson:** They are prepared, sir, to help the profession generally, only in those situations where that service cannot be performed by another lab.

**Mr. Lawlor:** Oh, I see.

**Mr. Wilson:** In other words, if there is a test or analysis that is required by a lawyer, in a civil case even, that cannot be provided by an existing lab or existing analysis, then the centre does undertake that and there is a fee charged for that service.

**Mr. Lawlor:** If I had a forgery case at the moment, which is not under indictment but the wretched bank refuses to pay because they say it is the same signature—we have had handwriting experts on it already—is it possible to go to the centre and have their analysis made of that handwriting?

**Mr. Wilson:** Yes; there are, as you know, Mr. Lawlor, independent handwriting experts. But Mr. Lucas, the director, tells me that in that case he will also provide that service.

**Mr. Lawlor:** He will also do that? Very good. Thank you.

**Mr. Wilson:** Sometimes the independent expert is already taken by perhaps the other side in the case and that leaves one side without expertise in the subject, so the lab will help in that case.

**Mr. Lawlor:** The new centre, the building itself as I gather, it is supposed to be finished this year?

**Hon. Mr. Kerr:** We hope some time in the latter part of this year, yes.

**Mr. Lawlor:** Will it be finished before the new year.

**Hon. Mr. Kerr:** We hope so.

**Mr. Lawlor:** Is the cost very much out of line?

**Hon. Mr. Kerr:** What is it? About \$14.5 million, roughly?

**Mr. Wilson:** Another ministry handles that—

**Mr. Lawlor:** Another ministry.

**Mr. M. Shulman (High Park):** It comes under liquor board, doesn't it?

**Mr. Wilson:** We're the tenant.

**Hon. Mr. Kerr:** It's in the area of \$14 million.

**Mr. Lawlor:** A year or so ago, the research section of the centre was doing research in the area of marijuana and the indication was that the research was not too successful in the sense of not being able to detect cannabinoids. Is that research continuing? Is that an ongoing study?

**Mr. Wilson:** May I defer to Mr. Lucas for that explanation?

**Mr. Chairman:** Mr. Lucas?

**Mr. Wilson:** Yes, the director.

**Mr. D. M. Lucas (Director, Centre of Forensic Sciences):** We were trying to detect, and develop a method for detecting, the elements of cannabis in blood or other tissue. We were unsuccessful, a great many other laboratories have been unsuccessful, and we are not carrying on that activity.

**Mr. Lawlor:** You've dropped that now.

**Mr. Lucas:** Yes.

**Mr. Lawlor:** What is the AK system of blood enzyme identification?

**Mr. Singer:** In three words.

**Mr. Lucas:** AK is short of adenylate kynase, which is one of the enzyme systems that exist in blood. It is another way of grouping blood. You are familiar, I am sure, with the ADO system?

**Mr. Lawlor:** Is this used in paternity suits?

**Mr. Lucas:** It has been used in paternity suits. We don't use it for that purpose. We use it for identifying dried blood stains and for getting greater discrimination on a blood stain between different people.

**Mr. Lawlor:** I see. Is it more acute than the other system that has been used?

**Mr. Lucas:** No, it is added to it.

**Mr. Lawlor:** Yes.

**Mr. Lucas:** For example, if you were group A, you would be one of about 40 per cent of the population. By doing another group system, which is 20 per cent of the population, for example, then a blood stain that had both of those groups could only have come from 20 per cent of 40 per cent of the population, which materially limits the number of people it could have come from.

**Mr. Lawlor:** Just one question finally, Mr. Chairman, on the money situation, specifically about transportation and communication. I can understand services and supplies and other things like that going up, going up very considerably as the centre renovates itself, but transportation and communication has gone from \$54,000 to \$74,800. It's not that great a leap, but why would there be such a jump in transportation costs for the forensic clinic?

**Hon. Mr. Kerr:** I understand there is \$5,000 to prepay the cost of shipping material to various police forces, and \$2,000 for the increased cost of telephone service in the new building. The remainder reflects greatly increased costs of travel, primarily for court attendances. For accommodation and meals there is \$3,000, and for travel there is \$9,100.

**Mr. Lawlor:** Okay.

**Mr. Chairman:** Any further questions? Shall item 2 carry?

**Mrs. Campbell:** No, I have another question.

**Mr. Shulman:** Wait just a moment.

**Mr. Chairman:** Mrs. Campbell.

**Mrs. Campbell:** I wonder if I could find out what is the volume of work in the drug cases that go to the forensic clinic. The reason I am asking is that in cases we found some considerable delay to the point where cases were really necessarily dismissed because we couldn't tolerate the delays and

bringing people back to the courts. I wonder if I could find out whether that exists now, whether it was just because of the interim situation or what it is.

**Mr. Lucas:** If you are referring to seized drugs, street drugs, and charges under the Narcotic Control Acts, they are not done by us.

**Mrs. Campbell:** They are not done by you at all?

**Mr. Lucas:** They are done by the federal health protection branch laboratories.

**Mrs. Campbell:** Well, when we had them in the family court, in the lesser cases our youth bureau informed us time and again that this was a delay on your part. So they were not correct.

**Mr. Lucas:** That is correct. They are called the forensic section of the health protection branch, and there is probably some confusion.

**Mrs. Campbell:** So they are the ones that are so slow?

**Mr. Lucas:** Well, they are not alone in that.

**Mrs. Campbell:** I knew they were in the adult cases, but I thought there was a difference in juveniles and perhaps you handled it. Thank you. That's all I have.

**Mr. Chairman:** Dr. Shulman.

**Mr. Shulman:** When is the new centre going to open?

**Mr. Chairman:** Did you not say it was opening this year, Mr. Minister?

**Hon. Mr. Kerr:** We hope by the end of this year.

**Mr. Shulman:** Are you opening it simultaneously with the liquor store that you are putting in it?

**Hon. Mr. Kerr:** Delivery store?

**Mr. Shulman:** Liquor store.

**Hon. Mr. Kerr:** We are not putting in a liquor store, are we?

**Mr. Shulman:** In that building?

**Mr. Brannan:** Not now.

**Hon. Mr. Kerr:** It is not going in, I am told.

**Mr. Shulman:** You have taken it out, have you? It was in the original plans. There has been a change has there? Thank you.

**Hon. Mr. Kerr:** Who compiled those?

**Mrs. Campbell:** That's a disappointment.

**Mr. Shulman:** It wasn't me.

Tell me, have you been able to hire a pathologist for your forensic centre?

**Hon. Mr. Kerr:** Yes.

**Mr. Shulman:** Who is that?

**Mr. Brannan:** Dr. Hillsdon Smith is the new chief provincial pathologist.

**Mr. Shulman:** How do you do. You are full-time?

**Dr. J. Hillsdon Smith** (Director, Forensic Pathology): Yes.

**Mr. Shulman:** Thank you.

**Mr. Chairman:** Shall item 2 carry? Item 3.

**Mr. Singer:** It is my understanding that the federal government has opted out from emergency measures. Am I correct in that?

**Hon. Mr. Kerr:** No, it has reduced its support by 50 per cent.

**Mr. Singer:** Of this \$1.5 million you are asking for—\$1,542,600—what portion is being paid by the federal government, or is the federal contribution over and above that?

**Hon. Mr. Kerr:** Over and above—

**Mr. Singer:** The \$1,542,600 you are asking for.

**Mr. Stokes:** They are matching that.

**Mr. Brannan:** Mr. Timmerman, would you like to answer that?

**Mr. N. W. Timmerman** (Director, Emergency Measures Branch): The federal contribution this year is \$492,900 and that is part of the \$1.5 million.

**Mr. Singer:** In round figures—

**Mr. Timmerman:** It was \$1.62 million last year and they have cut it by half or better than half.

**Mr. Singer:** Why do we have to continue a department called emergency measures in Ontario? Do we still, for instance, maintain the bunker up in Barrie?

**Hon. Mr. Kerr:** That is a federal bunker, isn't it?

**Mr. Singer:** No, it is a provincial bunker. That was to save all the cabinet ministers.

**Mr. Haggerty:** Have you not been up there?

**Hon. Mr. Kerr:** Not yet, no.

**Mr. Singer:** Do we still maintain that?

**Mr. Timmerman:** The federal government built it; they maintain it and it is their responsibility. It doesn't cost the provincial government a five-cent piece but this is where the provincial government will operate, however, in war.

**Mr. Singer:** This is where the provincial government—do you have regular drills to tell the cabinet ministers how to get there in the event of war?

**Mr. Timmerman:** Not recently.

**Mr. Singer:** How would anybody know, if we have this terrible holocaust here, where they are supposed to go and how they get there?

**Mr. Stokes:** They would never get past Kempenfelt Bay.

**Mr. Singer:** Do we still maintain the signs that show us how to evacuate Metropolitan Toronto? Are those still in the basement of a police station?

**Mr. Timmerman:** I think Mr. Pollard has disposed of them.

**Mr. Singer:** He did? As scrap or did he get some money for them?

**Mr. Timmerman:** I don't know.

**Mr. Singer:** How about the stock of blueprints for fallout shelters? Do we still have thousands of those on hand?

**Mr. Timmerman:** Which fallout shelters are we talking about?

**Mr. Singer:** There was a great flock of them; everybody got copious quantities. Blueprints to build your own backyard fallout shelter.

**Mr. Timmerman:** Yes, they are available.

**Mr. Singer:** They are still available are they?

**Mr. Timmerman:** If anybody wants them, yes.

**Mr. Singer:** How many thousands do we still have in storage?

**Mr. Timmerman:** I can't tell you that.

**Mr. Singer:** How large a room would they be stored in?

**Mr. Chairman:** Are you suggesting they weren't a very big seller, Mr. Singer?

**Mr. Singer:** I would think they weren't a very good seller. What I am talking about in this is, as I have talked about it for many years, of this \$1 million of provincial money how much is spent to guard us against a war? How much is spent for emergency measures against floods or natural disasters and that sort of thing?

**Hon. Mr. Kerr:** I would suggest that most of it is for the latter purpose.

**Mr. Timmerman:** I don't think we can separate them. We are talking about the same people. We are talking about government planning to meet emergencies from the minor to the big one. The original purpose of the programme, as you know, was to prepare for the big one but increasing emphasis has been placed on peacetime emergencies as a sort of dual-purpose thing. If you prepare for a peacetime emergency you are in better shape to prepare for the big one. So I don't think you can separate them.

**Mr. Singer:** Well, is it really part of our thinking, either provincially or federally, that we are preparing for the big one, whatever that is? A flood I could understand, a disastrous fire I could understand, even perhaps an earthquake, or a tornado or a hurricane.

**Hon. Mr. Kerr:** I would think that by preparing for a peacetime emergency, for floods and emergencies of that kind, storms or tornadoes or what have you, the organization that was available for that could be very well used in the event of wartime attack of some kind.

**Mr. Singer:** What I am trying to get is a breakdown. How much of this—

**Hon. Mr. Kerr:** I would make this statement—and, Mr. Timmerman, you might back this—there are very little facilities that are used solely for the purpose of defence.

**Mr. Singer:** Well, to what extent does Ontario use this \$1 million or \$1.5 million, including federal money, for the purpose of defence? What do we do for defence?

**Hon. Mr. Kerr:** As the director said, it is hard to separate it. We don't do anything

specific for defence. Is that right, Mr. Timmerman?

**Mr. Timmerman:** We don't do anything specific for defence. We do maintain some equipment that was set up in our palmier days when we had lots of money. There is an emergency communications network across the province that is maintained and has been used in peacetime emergencies.

**Mr. Haggerty:** Have you ever tested the alarm system? All those sirens that have been put up in—

**Mr. Timmerman:** Mr. Haggerty, this is a common misconception too. The siren system has nothing whatever to do with EMO. It is the responsibility of the armed forces. They contract it to Bell Telephone to maintain it and it is nothing to do with us at all.

**Mr. Haggerty:** It used to be, though.

**Mr. Timmerman:** No, sir, never. It was an armed forces responsibility.

**Mr. Singer:** Was it not used in conjunction with the Ontario Emergency Services? I can recall seeing, several years ago, a series of directions, and what so many blasts meant, whether they were interrupted or were continuous, or—

**Mr. Timmerman:** That's an interpretation—

**Mr. Singer:** —where people went, and that's when we used to think about getting those signs out of that police station and running everybody up to Camp Borden.

**Mr. Timmerman:** That's an interpretation of what you should do, an educational system of what it is all about, but the siren system is the responsibility of the armed forces.

**Mr. Singer:** Then you are supposed to interpret them to the public of Ontario, are you?

**Mr. Timmerman:** To the public generally in Ontario, yes.

**Mr. Singer:** Could you give us a brief run-down on what they mean and how often they sound, and whether intermittent signals are meaningful or the long, steady ones or the rise and fall?

**Mr. Timmerman:** The rise and fall means war has started, or is just about to; a steady note—

**Mr. Singer:** It means the war is over.

**Mr. Timmerman:** It is probably a malfunction.

**Mr. Chairman:** That's clear enough.

**Mr. Singer:** That certainly clears that up. Do we still have ranks of all sorts of people who are supposed to take charge? That always intrigued me. Suddenly we had all sorts of people who were supposed to assume all sorts of great responsibilities if we got that rise and fall, meaning the war had started. Is that still done? Do we have exercises where people practise taking charge?

**Mr. Timmerman:** There are no ranks that I am aware of. I am the director of the branch for Ontario and the municipal people are emergency planning officers and advisers to government. If something like this happened they would advise the government what they are supposed to do.

**Mr. Singer:** I see. How long since we have had an exercise of the big one, for the war?

**Mr. Timmerman:** The last one that the federal government laid on was—oh, it must be six years ago, I guess.

**Mr. Haggerty:** The Bay of Pigs, was that the last one?

**Mr. Timmerman:** No, that was a real alert as far as the Americans were concerned, but the Canadian government did nothing.

**Mr. Haggerty:** Was your organization given any alert from this last one given out by the President of the United States in the Middle East war?

**Mr. Timmerman:** No, it wasn't.

**Mr. Haggerty:** Why not?

**Mr. Timmerman:** The chief of staff didn't trouble to waken up Mr. Richardson, the Minister of Defence, till the next morning.

**Mr. Stokes:** He knew nothing about that, did he?

**Mr. Shulman:** One question if I may: May I see the current list of those who are to be saved, the 85 key people?

**Hon. Mr. Kerr:** You are not on there.

**Mr. Timmerman:** What are you speaking of, Metro Toronto?

**Mr. Shulman:** Yes.

**Mr. Timmerman:** I haven't got it.

**Mr. Shulman:** I am always intrigued to see how they change it from year to year. I wonder if you would mind bringing that list for tomorrow morning, because I am intrigued to see who is meant to be saved? I know my name was taken off; that worries me. I want to know, is George Kerr's name on the list?

**Mr. Timmerman:** As far as Metro Toronto is concerned it is the executive committee, i.e. the government, and the key service chiefs who are the doers, they are the people—

**Mr. Shulman:** Do you have a list for Ontario of those who are to be saved?

**Mr. Timmerman:** It is not a question of who is going to be saved, it is a question of trying to run the government.

**Mr. Shulman:** All right, to be directed to the bunker. Yes, well do you have a list, because as I recall the last list I saw there were a few people on who weren't particularly involved with running the government. I would like to see the current list of those who are to be notified when the big one comes. Do you have that with you now?

**Mr. Timmerman:** No, I haven't.

**Mr. Shulman:** Would you bring it to-morrow morning?

**Mr. Timmerman:** Is this Metro Toronto we are talking about?

**Mr. Shulman:** I would like whatever you have, all of Ontario preferably. You must have a master list of those who are to be directed to the bunker?

**Mr. Timmerman:** No, sir.

**Mr. Shulman:** You don't?

**Mr. Singer:** Having gotten to the list, can you tell us how they would be saved. Are they all rushed up to Camp Borden?

**Mr. Shulman:** They are given directions as to who is to phone who and then they all run up to the bunker. Just a minute, just a minute. Did you say George Kerr's name is or is not on the list?

**Mr. Chairman:** He doesn't know.

**Mr. Shulman:** Will you get the list for tomorrow?

**Mr. Timmerman:** I haven't got the current list.

**Mr. Shulman:** Will you get the list? It must be available in your office.

**Mr. Chairman:** Is it under your control?

**Mr. Timmerman:** No, it isn't.

**Mr. Shulman:** Whose control is it under?

**Mr. Timmerman:** It was under the control of the government. At the time the alert came, I would brief the government regarding who should go. There is a guide setting out which key ministries should go.

**Mr. Shulman:** Yes, but what I am referring to is the 10-page, small white sheet which had the names of who is to phone whom, right down to the bottom. Each person in turn phones the next.

**Mr. Chairman:** Maybe, Dr. Shulman, you could file with the committee your information.

**Mr. Shulman:** My information, unfortunately, is out of date. I haven't been on the list for some time, but I'm curious to see who is to remain after the rest of us go. Would you get that for me tomorrow if you have it available?

**Mr. Singer:** I would like to get some kind of a breakdown of what employees we have, what they do, what kind of equipment we have, how many blankets, how many beds, how many vehicles, generally what services are expected from this EMO group and where the services are available in what parts of the province. For instance, in Thunder Bay, do you have any EMO services standing by? Do you have them in Fort Frances or in Hamilton? We can start perhaps with salary and wages. How many people are in the branch? Roughly in what categories are they and what do they do?

**Hon. Mr. Kerr:** Forty people.

**Mr. Singer:** What do they do?

**Hon. Mr. Kerr:** There is one director, one deputy director, three financial officers, including two auditors, three senior planning officers, nine regional field officers, one engineering officer, two communications officers, one purchasing officer and 19 clerical and secretarial persons.

**Mr. Singer:** What do they do?

**Mr. Chairman:** Would you like to carry on, Mr. Timmerman?

**Mr. Timmerman:** Administer the programme for the Province of Ontario. We

subsidize the salaries of emergency planning officers in 47 groupings of municipalities across Ontario which cover about 90 per cent of the population.

**Mr. Singer:** Is that subsidy of salaries included in your \$433,000 figure?

**Mr. Timmerman:** It is included in the transfer to the municipality figure, and that's in the million-dollar figure right at the bottom. These municipal employees or emergency planning officers advise their governments and the grouping of the municipalities in southern Ontario. It's based on the county and/or the region now. In the north, such as in the Soo area, smaller municipalities group around the Soo. They participate in the programme.

An emergency planning officer's responsibility is to draw up emergency plans for meeting all emergencies. He assists the service chiefs such as fire, police, public works, etc. He helps develop plans for the non-governmental agencies such as St. John Ambulance, Red Cross, church groups, and that sort of thing. They bring in the communications media who have a vital part to play in the emergency plan of the community, as well as ham radio operators, snowmobile clubs and anyone who can contribute a useful resource to meeting an emergency. That is the municipal plan in general.

In certain areas that are, say, prone to flooding, they develop a specific plan or plans to deal with floods. We are stimulating them to produce plans for aircraft crashes in those municipalities that have a major airport nearby, and so on. We supervise, advise and persuade these people to have an emergency planning setup, and to get organized to harness all the resources in the community.

In addition, at the provincial level, we assist provincial governments in their emergency plans. I'm a member of the flood damage working group, which consists of the Natural Resources element, municipal subsidies and ourselves, in planning for the floods in the Great Lakes.

I'm also a member of the Ministry of the Environment's task force team on dealing with oil spills, chemical hazards, and so forth. We have also been working for some months with the Ministry of Health on production of the off-site plans for the heavy water plant in Bruce Point and we are working on the one at Pickering. We're available to give emergency planning assistance to any ministry that wants it.

**Mr. Stokes:** What is RADEF?

**Mr. Timmerman:** Radiological defence.

**Mr. Singer:** That's atomic warfare, isn't it?

**Mr. Haggerty:** It's monitoring.

**Mr. Timmerman:** It is monitoring the fallout which we would get in the case of a nuclear war between Russia and the United States, since we are right in the middle. We have instruments which we loan to municipalities to set up monitoring posts for their benefit to let them know exactly what the extent of the radioactive fallout would be; when to come out, and so forth.

**Mr. Singer:** This radiological testing equipment; where is it kept?

**Mr. Timmerman:** It's monitoring equipment.

**Mr. Singer:** It's monitoring equipment? Where is it kept?

**Mr. Timmerman:** It is loaned out to the municipal people who have a RADEF plan and most of it is out in the field.

**Mr. Singer:** How many units would you have?

**Mr. Timmerman:** I can't tell you off hand but it's quite a few.

**Mr. Lawlor:** There are 2,500 instruments.

**Mr. Timmerman:** Each county, depending on the geography, would set up the monitoring posts—about 20-odd. Is there a figure? Sorry.

**Mr. Lawlor:** That's what it says. In the last report you set it out.

**Mr. Timmerman:** All right.

**Mr. Singer:** How long since they've been tested? Have they been tested recently?

**Mr. Timmerman:** Yes, they do a periodic overhaul. We send it to Canadian Admiral Corp. under contract and they're updated and guarded all the time.

**Mr. Singer:** To what extent is any of the training militarily directed?

**Mr. Timmerman:** None.

**Mr. Singer:** None?

**Mr. Timmerman:** We have a liaison with the military if the armed forces are required to back up the provincial and municipal forces. We are in touch with the armed

forces at Downsview. And Metro Toronto, for example, has a close tie-in with Downsview in case of aircraft crashes which, I might say, worked very well in the Air Canada crash.

**Mr. Singer:** The \$500,000 that you get from Ottawa, is that a tied grant or is that available for any purposes you want to use it?

**Mr. Timmerman:** It's given to the province for the emergency measures programme within their broad parameters, from which we develop our own provincial programme. There are about 40 activities for the whole national emergency programme and we partake in about seven of them with these limited funds which the federal government has given us.

**Mr. Singer:** Do you still have auxiliary forces as a part of this—military ranks and so forth?

**Mr. Timmerman:** No. We never have, to my knowledge.

**Mr. Singer:** Oh yes. Yes, there were.

**Mr. Timmerman:** Not in my time.

**Hon. Mr. Kerr:** You can call in the militia under certain circumstances.

**Mr. Singer:** No, no. These were just local civil defence people with ranks and authoritative positions. This was the same time we were going to evacuate everybody in Metro up to Bruce county. I could never quite figure that one out.

**Hon. Mr. Kerr:** You mean Douglas Point?

**Mr. Singer:** No, no, the whole of Bruce county was the evacuation area for Metro and we were all going to go up Highway 400.

**Mr. Timmerman:** I notice the Americans—it comes full cycle. They are now talking about evacuation of the major cities too, but in my opinion it just isn't on.

**Mr. Shulman:** Can I ask you how many of these pretty blue cards you've got saying the bearer is a very important person?

**Mr. Timmerman:** Only to the responsible government officials who are going to run the government.

**Mr. Shulman:** Did George Kerr get one of these? No? Okay.

**Mr. Haggerty:** You are not at the top of the list, George.

**Mr. Timmerman:** Mr. Pollard should have withdrawn that from you.

**Mr. Chairman:** Mr. Stokes.

**Mr. Stokes:** I would like to ask you, Mr. Timmerman, if your responsibilities go beyond the framework within which Mr. Singer was asking the questions? I want to get into search and rescue which is ever so important in remote areas of the province.

Over the last three years we have had a number of downed aircraft and it takes a considerable length of time to locate the aircraft because you are talking about tens of thousands of square miles. There have been fatalities as a result. And as a result of the poor communications and poor navigational aids which we have in the far north where most of the municipalities depend on the ability of air carriers to provide the basic essentials of life.

I am wondering to what extent do these funds play a part in assisting carriers and other agencies in locating downed aircraft and, perhaps, rescuing somebody who might survive such an incident?

**Mr. Timmerman:** Mr. Stokes, the responsibility for search for downed aircraft and marine incidents is the armed forces'.

**Mr. Stokes:** You accept no responsibility for that?

**Mr. Timmerman:** It is their responsibility.

**Mr. Stokes:** All right. In the case, then, of someone who is lost; somebody goes out, ventures out, maybe a prospector, a hunter or fisherman—

**Hon. Mr. Kerr:** The OPP takes charge.

**Mr. Stokes:** Yes, I know the OPP does take charge but we have search and rescue units. There is an excellent one in the city of Thunder Bay; there is an excellent one in the city of Sault Ste. Marie. It didn't work too well in one specific instance which I am not prepared to raise with you tonight because I haven't got all of the details.

People are becoming much more mobile. They are much more venturesome because of much more leisure time and many of them will venture much farther out than they once did. They seem to have an even greater propensity for getting lost and it is a rare week when I don't hear on the radio in Thunder Bay that the search and rescue unit is summoned to OPP headquarters to go up the Spruce River Rd. to locate two fishermen or two hunters who have lost their way.

What I am interested in is the smaller areas where they are attempting to organize search and rescue units. There have been instances which have been brought to my attention when there wasn't complete co-operation from the OPP. I don't think it was their unwillingness to co-operate but rather a lack of proper delineation of specific responsibilities. If the weather is out, you don't get the armed forces up into places like Armstrong or Nakina or up in the Ogoki Reservoir. It requires other means in order to get groups in there.

**Mr. Chairman:** Are you asking whether EMO is involved in that type of operation or if it should be?

**Mr. Stokes:** No, I am asking if it can be involved.

**Mr. Chairman:** Or whether it should be?

**Mr. Stokes:** If you can be involved—I realize you can't be on the scene for every emergency—I am asking if there is any way you can provide assistance either by way of supplies or finances to get these groups going? They have no financial resources of their own but they do yeoman service in those areas. I am wondering if there is any way you can allocate a specific number of dollars to get the show on the road because they are absolutely essential in many areas of the north.

**Hon. Mr. Kerr:** Have you any money up there?

**Mr. Timmerman:** The answer is we have no funds for these volunteer groups.

**Mr. Stokes:** Don't you think in view of the regularity with which these things are happening that it would be worthwhile to allocate a basic number of dollars to assist? It's strictly on a voluntary basis right now, as you know, and you do provide funds, say, for St. John Ambulance and other worthwhile organizations.

**Mr. Timmerman:** No, that's not correct, Mr. Stokes.

**Mr. Stokes:** No, it was in another vote. I am sorry.

**Mr. Timmerman:** Yes.

**Mr. Chairman:** Shall item 3 carry?

**Hon. Mr. Kerr:** I would think that in the amount of money that we transfer to municipalities and to districts and to counties in the area in which you were talking about, that could be taken into consideration.

**Mr. Chairman:** We will resume tomorrow after the question period.

The committee adjourned at 10:30 o'clock, p.m.

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Ontario. Legislative Assembly

# Legislature of Ontario Debates

## ESTIMATES, MINISTRY OF THE SOLICITOR GENERAL

Standing Administration of Justice  
Committee

Chairman: Mr. J. A. Taylor

OFFICIAL REPORT — DAILY EDITION

Fourth Session of the Twenty-Ninth Legislature

Friday, May 3, 1974

Speaker: Honourable Allan Edward Reuter

Clerk: Roderick Lewis, QC

THE QUEEN'S PRINTER  
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(Daily index of proceedings appears at back of this issue.)

# LEGISLATIVE ASSEMBLY OF ONTARIO

FRIDAY, MAY 3, 1974

The committee met at 11:10, a.m.

## ESTIMATES, MINISTRY OF THE SOLICITOR GENERAL

(continued)

On vote 1502:

**Mr. Chairman:** Mr. Minister and gentlemen, we have a quorum here now. I understand we are on vote 1502, item 3, emergency measures. Any discussion on this item?

**Mr. R. Haggerty (Welland South):** Is the minister on that selective list?

**Mr. V. M. Singer (Downsview):** The hon. member for High Park had some very appropriate questions that haven't been answered yet.

**Hon. G. A. Kerr (Solicitor General):** My information, Mr. Chairman, is that all members of the executive council are on the list.

**Mr. M. Shulman (High Park):** Why were you left off?

**Hon. Mr. Kerr:** You haven't seen the latest list. You just haven't.

**Mr. Singer:** It must be a very effective list if you didn't even know you were on it last night.

**Mr. F. Young (Yorkview):** What colour cards are issued now?

**Hon. Mr. Kerr:** Blue, I think—appropriate.

**Mr. Shulman:** Do you have a card?

**Hon. Mr. Kerr:** No. They're kept—

**Mr. Singer:** Could the minister tell us what he is supposed to do in case of this great emergency?

**Hon. Mr. Kerr:** Just get on the highway.

**Mr. Shulman:** May I ask why you don't have a card and the hon. member for York West (Mr. MacBeth) does have a card?

**Hon. Mr. Kerr:** I think that's an old municipal card he has got.

**Mr. Young:** Mr. Chairman, what is going to happen to these people when they get out of the city? I understand there's a hole up near Aurora where they can repair to. How can they sustain life and effectiveness up there, and for how long? I can understand that the people who have got the cards, like the hon. member for High Park, can likely get through the barricade, but how can the people who are there in the bunker associate with the hon. member for High Park?

**Hon. Mr. Kerr:** I'll ask Mr. Timmerman to elaborate on this, but I understand that there are provisions up there for about three weeks.

**Mr. Singer:** It'll be a short war, if that's what we're planning.

**Hon. Mr. Kerr:** I had that in here somewhere. Just a moment.

**Mr. Singer:** The length of the war?

**Mr. Young:** Is the air to be cleaned up in the bunker?

**Hon. Mr. Kerr:** According to the emergency measures plan, this is a master shelter.

**Mr. Singer:** Are there categories of shelters?

**Hon. Mr. Kerr:** It accommodates 250 people for two weeks. This would involve, for example, the Premier (Mr. Davis), key operational ministers—

**Mr. Shulman:** That explains it.

**Mr. Young:** The rest of us are expendable.

**Hon. Mr. Kerr:** Right, oh, yes.

**Mr. Singer:** Who are the key ones as distinct from the less important?

**Mr. J. P. MacBeth (York West):** Any Conservatives.

**Hon. Mr. Kerr:** I would think the Minister of the Environment (Mr. W. Newman) would be pretty important for fallout and that type of thing.

**Mr. J. Lane (Algoma-Manitoulin):** Take the member for High Park along for a water boy.

**Hon. Mr. Kerr:** I'm sure in a situation like that, that I am one of those key operational ministers. I would have to be.

**Mr. Young:** Mr. Chairman, since this is a provincial expenditure, I understand, is it not possible for members of the Legislature to charter a bus under the Minister of the Environment and go up and inspect this bunker, so that we will be satisfied that if an emergency comes the people who are going to look after us are adequately housed and adequately provisioned and adequately aired so they can breathe? I think this should happen because, after all is said and done, we, as the responsible legislators in Ontario, ought to be satisfied that our survivors, whoever they may be, since we're not to be among them, are in good hands.

**Hon. Mr. Kerr:** Mr. Young, I think that that is a good idea because I have to admit that I haven't been there, and I think we should arrange for a bus for this committee—Mr. Timmerman, no problem doing that?

**Mr. N. W. Timmerman** (Director, Emergency Measures Branch): I don't think so, sir; no. I would be delighted to set it up.

**Mr. Singer:** Do you have to get federal permission to go in, or can we go in sort of on our own?

**Mr. Timmerman:** I think we would have to clear it with the federal government because it is in federal hands at the moment.

**Mr. Singer:** Are there 250 lockers with people's names on them; sort of arranged in descending order of importance?

**Hon. Mr. Kerr:** There is something. Are there just sort of bunk beds or separate rooms, or everything sort of common facilities?

**Mr. Timmerman:** There are bunk beds, sort of four to a room; and in the Premier's room I think there is a single bed—as I recall.

**Mr. Shulman:** Outside cabins?

**Mr. Timmerman:** Pardon? I don't know. No, it is closed all winter.

**Mr. Singer:** Is there a good stock of liquor up there?

**Mr. Timmerman:** There is nothing there at all.

**Mr. Singer:** Nothing there at all?

**Mr. Timmerman:** Just what you carry in your pocket. The ground rules would be not to—

**Mr. Young:** The minister who is designated should carry his own flask all the time in case of emergency.

**Hon. Mr. Kerr:** For at least two weeks, so that would have to be a big flask.

But I think, seriously, there has been a lot of comment about this bunker. As I say, I have never seen it and I think some time before the end of June we will arrange a tour—probably on a Friday morning—and go up and just see what is there. We will have to give them a lot of notice, of course.

**Mr. Young:** Then you will know how to get there when the time comes.

**Mr. Chairman:** The hon. member for High Park.

**Mr. Shulman:** Mr. Chairman, some months ago some nasty person sent me an anonymous emergency plan that's to take effect if and when the big one is dropped, laying out roadblocks around the city and key posts to be set up. Does this come under your aegis?

**Mr. Timmerman:** Is this Metro Toronto?

**Mr. Shulman:** No, this was not Metro Toronto.

**Mr. Timmerman:** No, each municipality has its own wartime plan. But I can't imagine why they would put up roadblocks. The idea is to stay put, because there is nowhere else to go.

**Mr. Shulman:** Do you not have a provincial plan of blocking roads and setting up headquarters in various spots and—

**Mr. Timmerman:** There is no blocking of roads; there are headquarters, yes. We have just been discussing that.

**Mr. Shulman:** And you do not have a plan where you would set up blocking of roads?

**Mr. Timmerman:** For what purpose?

**Mr. Shulman:** God knows. That's what I was wondering, because the plan I have—which I would be glad to give you if you don't have a copy of it—encompasses eastern Ontario. I don't have the part of this area, unfortunately, but Ottawa has all sorts of roadblocks set up around it and various key officers to be dispatched there to make sure unauthorized persons do not pass. I am intrigued by this plan, which is the only reason I brought it down. I don't want the government mad at me by releasing it, if it is a

secret. So I thought I would ask you first if it is a secret; and if it is not a secret perhaps I could supply the press with copies.

**Mr. Timmerman:** I think over a period of time, as you well know, Mr. Shulman, the concept of dispersal has been a subject of some debate. As I said last night, I think, the Americans have now come full circle—having discarded it, they are now talking about it again. The same idea has been talked about in Canada. But I think if you examine the traffic problem the dispersal of a major city, such as Toronto, is a pretty tough task. There is a timing, the warning—and, in essence, where do you go? Southern Ontario will be covered by radioactive fallout and there is just no accommodation up in Muskoka for the people of Toronto.

**Mr. Singer:** We have abandoned Bruce county as a shelter?

**Mr. Timmerman:** I know that was one a long time ago; I think before my time.

**Mr. Singer:** Yes.

**Mr. Haggerty:** How many private fallout shelters are there in Ontario?

**Mr. Timmerman:** I have no idea. That is up to the individuals concerned.

**Mr. Haggerty:** How many Americans have fallout shelters constructed in Ontario?

**Mr. Timmerman:** I have no idea.

**Mr. Haggerty:** You are not aware of any?

**Mr. Young:** But the fallout shelters are—

Interjection by an hon. member.

**Mr. Haggerty:** That's right; they have them out in the sand hills.

**Mr. Young:** The fallout shelters are useless in any case because of the problem with the ventilation. If the air is contaminated, then contaminated air must inevitably find its way into a fallout shelter—unless you are sealing it up completely.

**Mr. Timmerman:** Well the protection against fallout is mass, if you like. And, of course, distance away from the blast. There is in your own cellar, for example. Certainly over a period of time you use up air, but you would open up the windows and let some air in after a while. The radioactivity falls on the ground and decays very rapidly indeed. So it is the initial shock that you have to protect against and then, as I say,

it decays very quickly. That is why this business of two weeks comes into it.

**Mr. Young:** Is it a matter of an hour, two hours, three hours?

**Mr. Timmerman:** It's a case of a factor of a 10th every seven hours, so it goes downhill very rapidly.

**Mr. Young:** A 10th. So it's downhill.

**Mr. Timmerman:** As I said, two weeks is the sort of ball-park figure.

**Mr. Young:** So you have got enough air in your shelter to look after yourself for two weeks.

**Mr. Timmerman:** Well, you would hope so. But there is a ventilation problem; there is no question about it.

**Mr. Young:** So near the primary target, it's pretty hopeless to think in terms of an air-raid shelter offering any real protection. Is that correct?

**Mr. Timmerman:** If you're on target, you've had it. You can't argue against a nuclear weapon. The farther away, the better off you are—and you need the mass to protect you from radioactive fallout. Regrettably, the federal government hasn't implemented a fallout shelter programme, although there are potentially thousands of spaces in Ontario.

**Mr. Young:** The only protection is an international agreement, in the long run, I guess.

**Mr. Timmerman:** Between whom?

**Mr. Young:** Eliminating the whole thing.

**Mr. Timmerman:** Oh, I agree.

**Mr. Shulman:** May I just pursue this plan? As far as you know, there is no roadblock plan for Ontario?

**Mr. Timmerman:** It may be an old plan that is outdated, based on that concept of dispersal; it may still be in existence, but it—

**Mr. Shulman:** But it wouldn't be a secret then? There is no reason why I should keep such a thing a secret?

**Hon. Mr. Kerr:** Well, shouldn't he check with local Armed Forces officials here? The commander of this area, for example.

**Mr. Timmerman:** The Armed Forces have no plan to block roads to my knowledge. It's our responsibility.

**Hon. Mr. Kerr:** This is certainly with MTC. You say that it involves Metro Toronto?

**Mr. Shulman:** No, I don't have it for Metro Toronto. What I have been sent is a plan for all of eastern Ontario.

**Hon. Mr. Kerr:** Oh. Well, I would suggest you show it to Mr. Timmerman, and he might suggest if you have to show it to anybody else before releasing it. That's all I would suggest.

**Mr. Haggerty:** Well, Mr. Chairman, each co-ordinator in an area has established a survival route; it's there, but it's not hidden from the public. They are well aware that they can walk into any emergency measures organization office, particularly in the Niagara region, and see all the maps indicating the route they should be taking. As was mentioned here before, the survival route concept has been more or less discarded, because you would be better off staying within your own home; you get more protection there than you get out on the road.

**Mr. Chairman:** Mr. Young.

**Mr. Young:** Well, Mr. Chairman, some time ago EMO was involved in supplying firefighting equipment for municipalities in the province. Could we hear about the status of that situation at the present time?

**Mr. Timmerman:** Yes, the federal government withdrew financial support for this purpose in 1967 or 1968, I believe.

**Mr. Young:** And so that is out now?

**Mr. Timmerman:** That is out.

**Mr. Young:** Completely out?

**Mr. Timmerman:** Completely out.

**Mr. Young:** EMO has no involvement at all with local firefighting equipment as such?

**Mr. Timmerman:** That is correct.

**Mr. Chairman:** Any further discussion on item 3, vote 1502?

**Mr. P. D. Lawlor (Lakeshore):** Mr. Chairman—

**Mr. Chairman:** Yes, Mr. Lawlor.

**Mr. Lawlor:** In previous years you have handled things like dam control information, flood waters and sulphuric acid spills. Can you tell us what emergencies have arisen in the last year that you have participated in?

**Hon. Mr. Kerr:** Well, there are the three major ones. One was the flooding in the Great Lakes area. I wonder what item that would be under?

**Mr. Lawlor:** What would EMO do in that context?

**Hon. Mr. Kerr:** This was the programme where we had a special emergency assistance programme on an 80-20 basis.

**Mr. Lawlor:** You're paying 80; the municipalities are paying 20?

**Hon. Mr. Kerr:** Right. And if there were any works of an emergency nature undertaken by the municipality to prevent flooding, repairing damage, prevent erosion, or providing alternate means of facilities—

**Mr. Lawlor:** It wouldn't be involved in this—

**Hon. Mr. Kerr:** There are three items here that were set out. Would you find that for me please, someone? The three particular items that happened last year. I think the hon. member wants to refer to them.

This involves sandbagging operations as well, where EMO would be involved, through the local co-ordinators, backed up by help from the OPP, for example, and would co-ordinate the various local agencies such as a works department within a community, fire equipment and personnel within a community. We would call on the Ministry of Transportation and Communications, if they had equipment in that area, to assist with trucks and bulldozers if necessary, and things like that. The point that we try to make clear is that, to my knowledge, the emergency measures organization itself does not have the equipment available for emergencies. What it attempts to do, starting at Queen's Park, through the local or area co-ordinators, is to get all the personnel and equipment in a particular area and direct whatever emergency operations have to be undertaken.

I should have mentioned St. John Ambulance, hospital and health people, doctors if necessary, as well as the things I've already mentioned.

**Mr. Lawlor:** I'd like to just comment, as far as my own area is concerned, on the high water levels there which have been some threat to homes. I was aware that the local works department did a lot of sandbagging, but I wasn't aware of the ghostly, mesmeric presence of the EMO behind all that

operation. Are you telling me that they were actually there?

**Hon. Mr. Kerr:** I would assume in that situation, you won't particularly notice them there—they haven't got trucks with EMO written on the side of them—but certainly the co-ordinator and his immediate staff would be there. An awful lot of their work is done in their particular headquarters, with radio communications and this type of thing, constant contact with the weather office, trying to find out what is going to happen as far as a particular emergency is concerned. If it's a lake level situation, of course, they know they have a rather continuing problem there. But this is really the agency and the organization that pulls everybody together.

**Mr. Lawlor:** All right, Mr. Minister. If you say they are there, they are there, and I won't press that any further. What are the other two?

**Hon. Mr. Kerr:** The other two? I'm trying to find out. Mr. Timmerman, do you know? There were three or four main situations last year. One of them of course was the Great Lakes flooding.

**Mr. Timmerman:** Yes, that was one. There was a windstorm at Brighton that blew down a lot of stuff on the main drag, and Chester-ville had a windstorm, but by and large last year was a very quiet year.

**Mr. Lawlor:** Oh yes, it was a non-emergency year. Good.

**Mr. Timmerman:** Except for the Great Lakes floods, which are still potentially there right now.

**Mr. Lawlor:** To what extent was the EMO mobilized, in any sense of the term, as a result of the so-called Quebec crisis?

**Mr. Timmerman:** I would like to clear up this misconception of EMO as something separate. We're talking about a government dealing with emergencies. We are advisers to government and it is government agencies that are emergency measures.

**Mr. Lawlor:** The worst emergency this country ever faced was presented by a handful of people in Quebec, as my then leader said. I want to know whether you were alerted, placed on the alert and all cylinders running, as a result of the Quebec crisis?

**Hon. Mr. Kerr:** That would be the FLQ crisis in 1970?

**Mr. Lawlor:** Yes, the FLQ crisis in the fall of 1970.

**Hon. Mr. Kerr:** I would be very surprised if EMO was put on the alert. Do you know anything about that?

**Mr. Timmerman:** No, we weren't put on the alert. My recollection is that it was considered to be a matter between Ottawa and Quebec and I think the War Measures Act was invoked, but only partially, to deal with police and that sort of thing. It was just included in part, so it was really a police action at the time.

**Mr. Lawlor:** The fact of the matter is that through Mr. Wishart nothing was alerted in this province—and justifiably so.

**Mr. Timmerman:** I don't think that's correct.

**Mr. Young:** Mr. Chairman, to come back to this whole problem that we have discussed in the House from time to time before, as to whether or not these functions are not police and fire functions; that is, each municipality has its own organization, its council, its police force, its firefighting force, and it always seems to me that this is a fifth wheel in the structure, that we just don't need this kind of money devoted to this kind of situation.

(Perhaps I'm not sufficiently aware of what might happen and the dangers that might be averted because of EMO but, for the life of me, I can't see why the local fire chief, the police chief and the mayor of the town can't perform this function. They are there to perform the function. Some of the officials I've talked to feel that this is something that they don't need, that they're performing adequately and EMO is just a lot of wasted money and wasted time. I know the people who are at the head of EMO feel very strongly about this and feel that they are performing a function that's useful. It may well be but, for the life of me, I can't see why the local government structure can't do this job.)

When the flooding came around the lakes, the local people and the province moved in and did the job and would have done it, even if EMO didn't exist and if we hadn't voted this \$1.5 million for it. I think it would have been done just as effectively and just as efficiently. Perhaps I can be convinced by someone that EMO did play a vital role here and that it was done better than it would have been by the local officials. I don't know.

**Hon. Mr. Kerr:** All I want to say, Mr. Chairman, first of all, is that when the federal

government had indicated that they would substantially reduce their contributions to the provinces the mail we had from the various municipalities was quite voluminous. The municipalities are in favour of EMO. Not only do they want the grant, regardless of how small it is, that we are involved in giving them, but they feel that the organization should be broadened, that the role of EMO should be extended and the federal government really shouldn't be a part of this. The chances of a wartime attack, for example, are minimal now. It should be more of a provincial-municipal type of organization dealing with civil emergencies.

I don't agree that local personnel and local facilities are adequate in most cases to handle a civil emergency, even the two, three or four emergencies we had last year. The one in Northumberland county wasn't restricted to one little town or village in that area. As you know, storms know no boundaries.

**Mr. Young:** But the minister himself immediately moves on that sort of thing.

**Hon. Mr. Kerr:** Yes, right, that's why you need an organization. Southern Ontario—we've already been talking about this. In March and April with the high water levels of the Great Lakes there was flooding; Essex, Kent and Lambton counties were particularly hard hit and so were communities along the shores of Lakes Huron, St. Clair and Erie.

**Mr. Young:** What did EMO do in that situation? This is my question. My mind is open to be convinced as far as that is concerned. What did EMO do in that flooding situation?

**Hon. Mr. Kerr:** I'm going to turn this over to Mr. Timmerman but EMO, according to my information, organized sandbagging crews; organized the local public works people; fire services; police in the area; and attempted to obtain as many volunteers as possible from other areas.

**Mr. Young:** I see; in a way the local people could not have done? The local officials?

**Hon. Mr. Kerr:** Yes, we think so. I may be wrong but it seems to me that somewhere—and I think it was east of Toronto on Lake Ontario—the militia were called in. Isn't that right?

**Mr. Timmerman:** No, sir.

**Hon. Mr. Kerr:** Didn't we call the army for army personnel at any time?

**Mr. Timmerman:** No, sir.

**Hon. Mr. Kerr:** I see; I thought that was done. That can be done. In other words, if we really need manpower in a hurry and there is not adequate manpower, shall we say, within the civil service or local civil service, we can call on the army. We have an arrangement with the federal people to call in—

**Mr. Young:** That would be done by the minister, via the EMO?

**Hon. Mr. Kerr:** Right. The problem is, I guess, we have to pay for them. Do you want to explain that procedure?

**Mr. Timmerman:** If I could, I'd like to go back to Mr. Young's question about the police and fire services running this. The police and fire services are part of EMO. The whole word EMO is a misconception and quite frankly I would like to see it dropped and called something else because it has the connotation of a separate organization. It is not.

The emergency measures programme is to persuade and stimulate government to plan and prepare for emergencies, utilizing all the resources in the community or the province or the federal government, whether they are governmental or non-governmental, pulled into a coherent whole to bring to bear on an emergency. For this purpose, there is a county level. Let us take Mr. Haggerty's area, Windsor-Essex.

**Mr. Haggerty:** No, Welland South.

**Mr. Timmerman:** I'm sorry, you're Niagara; that is right. There is a co-ordinator, as he may be called, or an emergency planning officer as they call him. He works with all the local officials—police, fire, works, utilities—plus all the other volunteer agencies—St. John Ambulance, Red Cross, church groups, etc.

**Mr. Young:** Could I ask a question there? The co-ordinator would have on his committee the fire chief, the police chief and so on of each one of these—

**Mr. Haggerty:** Elected officials, too.

**Mr. Timmerman:** It is not his committee. He is a municipal employee, the same as the police chief. The county setup—

**Mr. Young:** But he makes the decisions?

**Mr. Timmerman:** No, sir. The elected officials do; the government.

**Mr. Haggerty:** No, he doesn't. That's the snag in the whole thing. These co-ordinators could be used more in any emergency but you have to get permission from some government agency over here. I know of cases. I used to be a member of the emergency measures organization in the former county of Welland. At different times persons would get trapped down on the Niagara Escarpment, or some other area, and we couldn't take that equipment out. I can tell you this, we had some of the best equipment in the Province of Ontario and the equipment would sit idle there until we could get permission from somebody over here. Of course, the question was whether it was that serious; and then the first thing you know the fire department would be called and they would make the rescue. But I think there is a great need for this type of equipment in the areas.

**Mr. Young:** Are you talking about equipment—

**Mr. Haggerty:** This is where you get all municipalities to co-ordinate all their services for any emergencies. And somebody sets the guidelines, because there are no boundaries. I think this is the most important thing about it, because there are no boundaries. I would like to see it, especially in the Niagara region. I thought it should be broadened out into some special equipment that is lacking, perhaps in firefighting. And this is where you come in with an asbestos suit, or something like that.

There is some heavy industry with furnaces down there. These can cause industrial accidents, and there is no equipment available, even for the fire departments.

**Mr. Young:** But that equipment, you say, is best used under another organization, like EMO, rather than under the regional government?

**Mr. Haggerty:** Well, I think you use all the resources of manpower that are available through these co-ordinated services. Under a plan you can contact hydro men, police and auxiliary police; they are all available. And it is a good plan.

**Mr. Young:** I am sorry I interrupted.

**Mr. Haggerty:** Oh, I am sorry too.

**Mr. Timmerman:** That's all right. Mr. Chairman, Mr. Young, I say again that the emergency measures man works in a county—let's take a county. There is a committee set up, usually headed by the mayor of the big-

gest city, and the warden is co-chairman. There is representation from city council and the county council. This is the policy committee of, let's say, the London-Middlesex emergency measures organization. Under that is a planning committee and this consists of the service chiefs, the police, the fire, utilities, hospital administrators, transportation, etc., all the functions needed in an emergency—the doers if you like—and they draw up a plan.

Now working for that committee is a man whose salary we subsidize, an emergency measures planning officer or co-ordinator. But he works for the government to pull all these divers resources together in some coherent plan to bring it to bear on the resources. He also, if I may continue one more minute, can go out and recruit or make some sort of a deal, if you like, with volunteer agencies that are not in the normal government—snowmobile clubs, for example, are a valuable resource; ham radio operators are another, etc. He is the man who gets around on his legs and pulls all this together, but the committee—the EMO if you like—is government for that geographic or jurisdictional area.

**Mr. Young:** And this \$1.5 million goes to subsidize the salaries of these co-ordinators?

**Mr. Timmerman:** In a large part, yes, sir. There are 47 of these groupings in Ontario ranging from—

**Mr. Young:** This money is paid to the municipalities and the municipalities reimburse them?

**Mr. Timmerman:** We reimburse them for their expenses; that is correct.

**Mr. Haggerty:** It is similar to the national emergency planning in the US.

**Mr. Chairman:** Any further discussion on vote 1502, item 3?

Item 3 agreed to.

**Mr. Chairman:** On item 4, fire safety services. Mr. Young?

**Mr. Young:** Mr. Chairman, I raised the question in the House a little while ago with respect to the whole matter of fire extinguishers; and perhaps we can get some answers to some of the questions I raised at that point here this morning from the minister.

Under the Fire Marshals Act the power is provided to make regulations to deal with things like fire extinguishers and other ma-

terials, but so far no regulations have ever been written to deal with fire extinguishers. I wonder why this has not been done, Mr. Chairman.

**Hon. Mr. Kerr:** Well, you were especially concerned about the capability of fire extinguishers—

**Mr. Young:** Right.

**Hon. Mr. Kerr:**—and also whether there was some type of inspection to make sure that they were full, would be available and useful in case they are needed. Again, it is my understanding—and this is pretty well provided under the legislation—that there is provision for licensing and regulating the manufacture, sale, servicing and recharging of fire extinguishers.

**Mr. Young:** But those regulations have never been spelled out. So, in effect, we have no licensing and regulating of the people servicing the fire extinguishers, since you have brought it to that point.

**Hon. Mr. Kerr:** Mr. Wilson, have those regulations been promulgated?

**Mr. F. L. Wilson** (Assistant Deputy Minister): No, Mr. Minister, they have not. It is an enabling regulation, but at this time the responsibility is carried out by the fire marshal.

**Mr. Young:** The Canadian Underwriters Association has published a couple of booklets, 10 and 10A, which I think are very good and extremely valuable. So far these are simply guidelines that have been laid down; they're not enshrined in legislation, regulation or anything else. They tell what fire extinguishers ought to be used and how they ought to be serviced and maintained, but so far it's wide open. For example, if I wanted to put in a bid for servicing fire extinguishers tomorrow morning, even though I know nothing about it, but if I put in a bid and my tender was the lowest and the company concerned wanted me to do it, then I'm entitled to do it. My ignorance is vast in this field, yet we have this sort of thing happening.

I mentioned in the House that a chap from Oshawa had written to the government and to various parties here. I have talked with him. Mr. Gorman, who worked for the Levitt company for some years, now has his own company. He is running into real difficulty because he insists on certain standards in maintaining these things, and he finds other companies can underbid him because

they just don't live up to any kind of standards of maintenance and servicing.

The kind of thing we find in these 10 and 10A booklets is pretty comprehensive, but when I put in a bid or another company puts in a bid, unless there are specific specifications laid down by the company concerned, there is no way of knowing what kind of servicing we're going to give. We don't have to live up to anything except those specs, which may be outlined by the company whose work we bid on.

I gather from the conversations I've had with people in this field that a company can bid, say, 50 cents to service an extinguisher but it may cost \$3 an extinguisher to do the job properly. Very often what happens is that the tag date is changed—a date is added to that tag—but as far as real servicing to discover if that extinguisher is in proper working order, that work is not done. It's often compared to the guy who fills up the gas tank of his car but neglects servicing of the tires, the battery and all the other accoutrements that are vital to the safe working of that motor vehicle.

My whole question is, why don't we set up standards, particularly for servicing? Why don't we set up standards saying that fire extinguishers should be available and able to cope with at least three types of fires, A, B and C? The D type of fire, of course, is a specialized thing because it very often involves metallurgy and very high temperatures. But we do have the technology that can cope with at least the A, B and C types of fires, and yet we find, in many places, fire extinguishers which can deal only with A—water—which can deal only with wood, cloth, that sort of thing. But if a person turns that extinguisher on to a grease fire, for example, or an oil fire, it simply spreads the fire. That has often happened in doughnut frying and the use of frying pans in kitchens. Some person thought, "Here, this is adequate" and the fire just exploded.

Certainly I would think a garage owner, knowing what the danger is, would insist that he has at least the type of fire extinguisher to deal with a B type of fire—grease and oil. But he may not know. There is no regulation which says he must have that thing, although there are bits and pieces of the regulations dealing with various types of occupations and various types of industry, and that may be covered, I am not sure, as far as a garage is concerned. But certainly all the average person who goes out to buy an extinguisher thinks of is getting that extinguisher there because the regulations say you must have it;

and there it sits, and he may or may not have the type of extinguisher that can deal with any kind of fire that he may face in that particular building.

**Mr. Chairman:** Other than being a pretty nice ornament.

**Mr. Young:** Yes, he knows he must have it. That's the regulation.

**Mr. Haggerty:** Architects are now trying to hide them in buildings.

**Mr. Young:** But the type, whether it will deal with A, B or C fires, or whether it will only deal with one of them, he doesn't know, and we don't find out until the fire actually occurs.

In these rooming house fires that we have had in Toronto recently, I am not sure what the protection was in those houses. There was, in one case, a fire extinguisher on the lower floor, but the fire took place on the third floor. I understand there are no regulations which say that you must have the fire extinguishers in certain places in rooming houses.

So this is the whole problem, Mr. Chairman, and I am not sure that we have adequate inspection or adequate servicing. Certainly Mr. Gorman, the man I talked to who had had experience in this field, makes a statement, and I am quoting directly from a letter:

[The number of establishments I have observed that have complied with the Act [he is talking about the Industrial Safety Act, which requires proper fire extinguishers; "adequate" of course is the word used] would be less than 10, and I have been to over 1,000 plants from Windsor to Gananoque.

If that is true then there is something wrong with this whole field and it may be that we are getting much greater fire losses than we should have. I don't know.

**Hon. Mr. Kerr:** I would like to say, Mr. Chairman, that I agree with the hon. member. I think the resolution which you presented in the House makes sense, and as a result of your resolution I have asked the fire marshal and the assistant deputy minister to look at the resolution, undertake sort of an investigation and give me a report to see if, in fact, where we require that a fire extinguisher be placed in a particular premises—in other words where we would regulate and possibly inspect—we should make sure that the equipment is up to standard and that it will do the job it's manufactured for.

I don't know how we can necessarily deal with all private facilities. I realize you are excluding private residences here.

**Mr. Young:** That's right.

**Hon. Mr. Kerr:** But certainly—prior to any licensing, for example, the licensing of premises—where this type of equipment is required it should be more than an ornament, as has been said. As far as government buildings are concerned, I am advised that this is the responsibility of the Minister of Government Services (Mr. Snow).

**Mr. Young:** He is changing the Act now.

**Hon. Mr. Kerr:** Right. He is responsible for regular inspection of the buildings. It involves, of course, our own fire marshal and the same goes for the Minister of Health (Mr. Miller). Any premises under his direct or indirect aegis are also inspected and we make sure the regulations are complied with.

But there is no question in places like rooming houses, as in these recent fires in Toronto, it looks in some places as if they just took an old extinguisher and hung it up on the wall. Then when there was the usual inspection, I'm sure that it was noted that the premises had a fire extinguisher, whether it worked or not.

I basically agree with your resolution. I don't think it's necessary to create a separate office, a commissioner.

**Mr. Young:** I said in my debate that this could well be the fire marshal.

**Hon. Mr. Kerr:** Right.

**Mr. Young:** But he should be vested with power so that he could enforce the regulations which should be written.

**Hon. Mr. Kerr:** Right. I think we should have legislation and regulations. There is a great deal of responsibility, you will notice, under the Fire Marshals Act placed on the local fire departments. The municipalities can pass all the bylaws they require really for fire prevention and inspection and the requirement of equipment, exits, fire escapes, proper wiring, stairways—as far as the widths are concerned—and this type of thing. The problem in Toronto, is a particular problem, although because of the fires and the deaths that have occurred, it has emphasized that, even in a very modern, sophisticated, large city such as Toronto, some of the methods we have of fire prevention need looking at.

**Mr. Haggerty:** Particularly in this building.

**Hon. Mr. Kerr:** Yes, well, we got rid of that one in a hurry.

**Mr. Haggerty:** We'll talk about the example set by the cabinet and the government itself.

**Hon. Mr. Kerr:** Do you mean the fact we stayed right here and worked?

**Mr. Haggerty:** That is right. You set a good example, didn't you?

**Hon. Mr. Kerr:** Yes, sir. I don't know if you are being facetious or critical.

**Mr. Young:** Getting back to the extinguishers, what about the servicing? There is evidently no system of licensing people who service the extinguishers. Anybody can enter the field. The tags can be altered and new dates put on by anybody, even though he may not know anything about servicing that particular equipment. I know this may be dangerous, because if a fire occurs the next day and that equipment is not adequate to handle the fire, with the date on there and the name of the company that is servicing it, the company's reputation would be smirched. What happens to them? I suppose an action might be brought against them by the person who hired them, but there is no standard by which we can judge whether this company or this serviceman is able to do the job.

**Hon. Mr. Kerr:** If they are licensed, and I would think they should be—

**Mr. Young:** But they are not licensed.

**Hon. Mr. Kerr:** These are things that we could probably deal with under our regulations that should be promulgated. I think you can look at it two ways, and these are just opinions. If somebody buys a fire extinguisher, he is buying it for his property. He has some sincere interest in making sure that that equipment works at all times. Whether the inspection part is necessary in a case like that, I don't know, but certainly anybody he calls to look at that equipment should be competent really to handle it and make any changes or updating that may be necessary.

Then you have the situation where you have people with fire extinguishers there, just as I say, as an ornament. They just take it for granted. It's never used; it has never had to be used; and there isn't a concern about inspection or whether or not it still works.

Now, there's an area, particularly if it's a rooming house or apartment building,

where we may have some responsibility as far as inspection is concerned.

**Mr. Young:** Mr. Gorman charges—at least, his statement, of course, is a very serious one—it's 10 out of 1,000 that he's inspected. That would indicate, if this is true, that there's a very serious situation. It may well be that this man could be brought in by the fire marshal and his charges examined, because he does make some fairly serious ones here. He says he is accurate in these charges.

I'm not competent to judge just how effectively this work is going on because I'm not an expert in this field. I get the impression that the average owner of a building thinks that if he has a fire extinguisher hanging up there that's all that's needed. It's there for an emergency.

The soda-acid ones which are put in so many apartment blocks today may be adequate for a lot of fires but not entirely. They're perhaps a bit cheaper to buy, the builder puts them in there and the new owner may not know they should be serviced once a year at least. At least, it is the charge of Mr. Gorman that certainly they should be charged once a year although the fire marshal, when I talked to him about it, wasn't sure of that. He felt that perhaps it was a little too often. But for safety, perhaps once a year is needed for the soda-acid ones.

Again, we do know now that other types will look after the different types of fires, and it seems to me we need regulations because these aren't that much more expensive. We need regulations to say that for any emergency the new type of extinguisher, as the others reach the end of their usefulness, should replace them. The new ones will handle types A, B and C fires. D, of course, needs specialization and I think is likely looked after by the companies concerned, because they have an awareness of the danger of metal fires.

In this case I think we need a lot of looking at this thing; a lot of discussion and certainly a jacking up of our whole regulations, licensing, the whole matter.

**Hon. Mr. Kerr:** Mr. Hurst, would you like to comment on any of these remarks?

**Mr. M. S. Hurst (Fire Marshal):** Yes, Mr. Minister. First, may I say I was delighted to see five pages in the debates of April 22 devoted to fire protection. It makes me feel the members are really interested.

**Mr. Young:** And all in favour. All three parties.

**Mr. Hurst:** I think maybe there was one abstention.

**Mr. Young:** That's right. There was one party which didn't want more regulations.

**Mr. Hurst:** No. I did notice that the member for Beaches-Woodbine (Mr. Wardle) agreed with the motion, and I read his very carefully.

**Mr. Young:** No. One of the other ones.

**Mr. Hurst:** I think the member for York-Forest Hill (Mr. Givens) rather abstained.

In any event, may I just say there is a considerable body of provincial law dealing with the installation of portable fire extinguishers which is quite specific. It indicates the type, the classification of the extinguisher which should be used and precisely where it should be held. The Hotel Fire Safety Act, for example, is quite clear in the regulations as to the type of extinguishers and where they should be located. The Industrial Safety Act, I will agree, is a little more vague in the field. There's a range of other Acts we don't quite agree with which say adequate fire extinguishers should be installed. We think it should be clear.

I can't agree that we should give a monopoly to one particular group selling dry powder extinguishers. The pressurized water one, which is one I think I spoke to you about, which is generally replacing the old soda and acid type, is probably becoming much more prevalent. As you mentioned, it is quite useful on class A fires which are normal combustible materials. It seemed to me we would be expecting the public to pay excessive amounts if we said the all-purpose ones should be put everywhere.

**Mr. Young:** Everywhere where there is danger of the class B and C fires?

**Mr. Hurst:** Yes, of course, or extinguishers of a particular size. As you probably know there are different sized extinguishers, depending upon the risk to be covered. This is the first time, Mr. Chairman, that it has been brought to my attention that this matter is of such seriousness as Mr. Gorman has indicated. As a matter of fact, Mr. Gorman called me and I suggested to him that he perhaps could give me the names and addresses of the places that he was speaking of, because that would make our chore of surveying the situations—as the minister has indicated—that much easier.

But I do feel that perhaps there may be a problem in the servicing business. Certainly Mr. Gorman has indicated that, and we like

to take a very good look at that. But when you look at these things it is always the question of cost benefits and extension of bureaucratic control and things of this nature, which you people remind us of from time to time. And I think if the problem is serious enough, of course, you have to license; and you have to get into a business in which you are passing on increased costs to the public, who in the end pay for all of these things.

**Mr. Young:** But we may pay for it anyway. One serious fire might pay for a lot of that.

**Mr. Hurst:** Yes that is quite true. Now in addition to provincial law, there are many bylaws dealing with this. There is the area that you spoke of, rooming houses. There is a bylaw of the city of Toronto which requires a certain type of extinguisher in rooming houses, for example.

But as the minister has said, we have started a study and it is hoped to be finished by the end of this month. We hope to be able to contact as many of the servicing people as we can, because I think that is the area that you are speaking of, whether they should be licensed. So we would like to consult with them to see how the other firms operate in the field. I understand there are perhaps four or five very large servicing firms operating in this field, and we would like to get their views, as well as the views of the small owners.

**Mr. Chairman:** Thank you, Mr. Hurst.

**Mr. Young:** Can I ask, Mr. Chairman, about the hydrostatic testing going on? In the booklet 10A I mentioned, hydrostatic testing is called for at regular intervals; for example, every five years for foam and dry chemical extinguishers.

Now I take it that we are not too concerned about hydrostatic testing as a province. It may well be that those standards are too high, I don't know. But as I mentioned, the fire extinguisher that has been outside my office door since 1964 has had no hydrostatic testing since that time, and it is a potentially explosive device.

It may well be that the five-year term is too short a time, because I take it that you haven't had too many of these devices blow up on us in the province. It may be that we could get some information on that. But hydrostatic testing is just not done very often. I understand that there is very little equipment in Ontario even to do the testing. It may be, again, the cost factor may outweigh the usefulness of it.

Perhaps we could have an expression of opinion on that from the fire marshal, Mr. Chairman, because here is something that is laid down by the Canadian Underwriters Association as essential—and we largely ignore it in actual practice. In this building it is completely ignored.

**Mr. Chairman:** Thank you, Mr. Young.

**Mr. Haggerty,** please.

**Mr. Haggerty:** No, I think Mr. Young asked a question.

**Mr. Young:** I want to get an answer on this.

**Mr. Chairman:** Oh, okay, fine.

**Mr. T. A. Wardle** (Beaches-Woodbine): Mr. Chairman, could I ask a question of the fire marshal?

**Mr. Chairman:** Go ahead, Mr. Wardle.

**Mr. Wardle:** I was thinking, Mr. Hurst, of chemical fires and chemical storage tanks. Now, is there a standard symbol that is placed on those tanks throughout the Province of Ontario to indicate that in that tank is stored a certain type of chemical for which a department would need to use a particular type of equipment?

**Mr. Hurst:** Not to my knowledge, Mr. Chairman. There are requirements under the Highway Traffic Act for symbols to be placed on dangerous cargoes that are being transported. But if you are speaking mainly of combustible liquid storage, I don't think there is any requirement there because it becomes rather obvious by the shape and the form of the installation as to what may be there. But if it were something, perhaps a mixture of liquids, or something of this nature—I am not quite sure, Mr. Chairman, just what particular type of installation we are speaking of.

**Mr. Wardle:** I made this suggestion several years ago, Mr. Chairman. There are various types of storage tanks for chemicals. I am just wondering in case of a fire if there were a standard type of symbol. A gasoline storage tank would have one symbol, an oil storage tank would have another type of symbol. When a fire department arrived—I am thinking of use across the province—immediately they would know what type of chemical would be required for that type of fire. I am just wondering if the fire marshal would give that matter consideration.

**Mr. Hurst:** Mr. Chairman, we approach it probably in a different way, now that you have mentioned that. There is no requirement, to my knowledge, that they be placarded, although there is a system of placarding available through the National Fire Protection Association. But we train fire department officers on what is known as a chemical system, which will identify the materials and the actions that should be taken to protect the firefighter from health hazards and so forth and the kinds of extinguishing agents that are used on that particular type of material.

Now, of course, that system relies upon there being someone at that plant when the fire department arrives to indicate the type of material that is to be dealt with. But once they know that, then of course they know the precautions they must take, both for their health and from the point of view of firefighting.

**Mr. Wardle:** That may apply in Metro Toronto, Mr. Chairman, but I'm wondering about smaller places where a fire department would arrive and there would be no one at the scene who could readily identify the type of equipment that would be required.

**Mr. Hurst:** Then there is another system too, of course. It was developed by the Canadian Chemical Producers Association, and it is called the TEAP system. If a fire department wishes any information on any chemicals in any place in the province, they have a telephone number they can call on a 24-hour basis to identify the chemical. Whether it is in a storage situation or being transported on the road, the fire service has information available to them. We have publicized the telephone numbers and the areas covered so they can get this information from a central location.

**Mr. Wardle:** Mr. Chairman, does Mr. Hurst think it might be desirable to ensure that every fire department throughout Ontario would have an index of the plants, commercial buildings and so on in their particular area so that if there is a fire at the X factory, they would know exactly how to fight that fire? Is this a system you have?

**Mr. Hurst:** Yes, Mr. Chairman, we have been actively promoting what is known as pre-fire attack planning for all fire departments in the province.

**Mr. Wardle:** Right.

**Mr. Hurst:** That is a system generally of identifying the major risks within the com-

munity and writing down the actions to be taken because of those risks. Because beyond the chemical situation you referred to, there is the matter of firefighters going into areas where there is dangerous dosages of radioactive isotopes; we inform all fire departments, of course, of any dangerous quantities that are shipped to their communities, and we also advise them of any licensed users of radioactive isotopes. Once they disclose the storage place after inspection, then we provide placards for them—it is an international symbol for radioactive material hazards—and they placard the area. We also give them rules on how to protect themselves or what actions to take if they do get exposed.

**Mr. Wardle:** I'm glad to know that is being done for the protection of firemen and of people who may be on the premises at the time. Could I ask a second question?

**Mr. Young:** I wonder, Mr. Chairman, if we could get back to the answer to my question?

**Mr. Chairman:** Yes, I understood Mr. Wardle's question was pertaining to what Mr. Young had asked. I think Mr. Hurst wants to answer Mr. Young's question.

**Mr. Young:** In connection with hydrostatic testing.

**Mr. Hurst:** Yes, Mr. Chairman, I would tend to agree with Mr. Young that this situation hasn't presented a really serious problem. There certainly have been instances where old soda and acid extinguishers have exploded. This is usually caused by two things. There is a blockage, of course, that wouldn't let the water out, because as you know it is a mixture of soda and acid, which is used as the expellant agent. Then there may have been corrosion in the cylinder itself, which would make a weak spot and, as a result, an explosion would occur.

That type of extinguisher seems to be on its way out. I wouldn't argue that there are not a lot of them around. What I'm saying is that there are not too many of them being sold, as opposed to the pressurized water type, which is a 2½-gal. cylinder very similar in shape to the old soda and acid type—but it has a CO<sub>2</sub> charge which is pierced to expel the water. I think if you look at many of the hotels or new buildings, you will see an awful lot of the pressurized-water type.

But as part of our study, we certainly will look into this question of hydrostatic testing. There doesn't seem to be too much of this type of equipment around because of its expense. You will find them in larger areas.

**Mr. Young:** Booklet 10A gives the cart-ridge-operated water and the antifreeze and stored pressure water types as needing hydrostatic testing every five years. Your contention is that's likely a little unrealistic?

**Mr. Hurst:** Mr. Chairman, my suggestion is we don't have enough knowledge for me to say whether it is too frequent or not frequent enough. I hope to get some knowledge as to what the most appropriate time would be. That CUA standard usually comes from the fact that they usually publish NFPA standards under their own title. They are probably giving credit for it there.

I would have to take a look to see what the last date of that standard was or to see what research they had done on it. It might need updating itself.

**Mr. Young:** This is a 1973 publication. I am not sure what that means. The fact is the one outside my door and all the offices of the members have lasted now for 10 years and there have been no explosions. So I suppose they are safe for at least 10 years in that environment.

**Mr. Hurst:** I can understand your concern.

**Mr. Chairman:** Mr. Haggerty?

**Mr. Haggerty:** I just have one question from Mr. Young's comments there and I think it is an important question that he raises. We are talking about the soda and acid extinguishers, but what about those where air is applied under pressure? That is when they use a dry powder. I think this is perhaps the most dangerous type of vessel and this is where they should be inspected on an every two-year basis, the same as any other pressure vessel that is inspected in the Province of Ontario. It can be done if you have the standardized adapter. I am talking about the threads on top. There is no reason why there can't be hydrostatic tests applied there just by pumping it up to a certain pressure. With a gauge on there you should be able to do it, and it should be that simple.

I would suggest that procedure when you are dealing with this pressure vessel where you are pumping air into it. How many pounds of air goes into one of these tanks?

**Mr. Hurst:** I couldn't tell you offhand.

**Mr. Haggerty:** I thought I saw some place 90 psi or 60 psi. That is quite a bit of pressure. I can recall a person being killed in the city of Port Colborne. He was testing a refrigerator compressor—the tank there. He held it under his arm and was using the air pres-

sure from a service station and blew the tank up, and that was the end of him. This can happen, and I think we should take appropriate steps.

**Mr. Hurst:** Mr. Chairman, I think I should correct what I think is coming out as rather a misunderstanding of the pressurized water types and the dry chemical types that use pressurized air for the expellent agent. Actually the air is contained in a small pressure vessel, which is fitted into the larger vessel which contains the extinguishing agent itself. These little vessels are about 6 in. long, and they must meet the standards of pressure vessels themselves. So in the initial stage the air or the CO<sub>2</sub>, depending upon which type of pressure is used, is confined within a smaller pressure vessel within the extinguisher itself. You have also the other question of once that cartridge is punched, then that expels out too.

**Mr. Chairman:** Have you anything further, Mr. Haggerty?

**Mr. Haggerty:** I would like to add a few comments to this particular section. I think the firemen in the Province of Ontario play one of the most important roles and render one of the most important services to the community in any emergency. Sometimes they are forgotten by the public in a sense.

For example we were talking about the long service medals. The firefighter in the Province of Ontario, whether he's a volunteer or a professional, paid fireman, before he obtains a long service medal he must serve for 30 years, I think. With the police departments in the Province of Ontario there's a difference of about 10 years; I think they receive a service medal after 20 years of service.

In particular, I would like to see some changes made in this procedure so that firemen are given the same consideration as policemen in the Province of Ontario when they are providing almost the same type of service in the community. It's all for the health, welfare and safety of the community. I feel there should be some consideration given to lowering the long service medal requirement to 20 years' service.

I'm sure the previous minister had a number of requests from fire departments throughout the Province of Ontario for that change. I hope we will have consideration given to this.

I was a little bit amazed at the situation with the fire at Queen's Park the other day and the intolerable attitude of the govern-

ment in staying in the building. If I can recall, the issue was raised on television. One of the custodians entered the cabinet meeting and informed the Premier that the building was on fire. He said, "Where is the fire?" and was told it was on the other side of the building. He said, "There's nothing to worry about. We'll continue with the meeting."

**Mr. Singer:** Did the building burn down?

**Mr. Haggerty:** I also recall the incident last December when the fire alarm system rang in this building and the House leader got up in the House and said, "We'll continue with the debates in the Legislature."

I think this is a poor example to set, particularly by government, when by all regulations and rules we should have evacuated the building. We go out and teach youngsters in our school system in the Province of Ontario and give them fire drill to leave the premises. But for some reason, because we are the government, we can ignore all laws and rules and regulations and I think it is most distasteful that this government is taking this attitude.

It's a poor example to set and I hope it doesn't continue any longer.

The other matter I wanted to raise is the improvement or the upgrading of the fire college in the Province of Ontario. I understand this is a six-week course now; at one time it used to be one week or two weeks. I understand it is causing quite a problem for the local fire departments which have to allow personnel to be away for a period of six weeks. I know it's a good programme, on a base similar to that of the Ontario Police College, but for some reason the personnel can't get time off from industry in Ontario—I'm talking about the volunteers and the paid firemen—because there aren't sufficient numbers of them particularly when it comes to fire matters in the Province of Ontario.

I was wondering if perhaps you couldn't have a six-week course broken down into periods; or perhaps there could be some funds allocated for a person taking that special course. This is for the benefit of the public of Ontario. I think sometimes it's hard for them to go back to the council and say "We have to have a month and a half's wages for this person to continue with this course." It causes quite a substantial increase in the local budget. I was wondering perhaps if the province couldn't pick up the tab on this and provide this essential service.

**Mr. Chairman:** The minister will comment on the firefighting training.

**Hon. Mr. Kerr:** In the training at Gravenhurst, as the member has said, some of the training amounts to three or four weeks and then there are five-day courses given from time to time. These are in various fire training schools throughout the province. I wasn't aware that the firefighter or a person who takes this course doesn't receive any remuneration of any kind. Is that what you are saying?

**Mr. Haggerty:** Well, particularly volunteer men; they play an important role in fire service in Ontario.

**Mr. Chairman:** Do you want to comment on that, Mr. Hurst?

**Mr. Hurst:** Yes, Mr. Chairman, I'd like to clear up something first. There is a distinction between fire department officer training and firefighter training. We provide both types of training. The college training at the moment is limited to officer training.

The course you refer to has, up to this year, been 22 weeks in duration. There are many people who take the whole 22 weeks at one time, but most of the people will take it in six- and eight-week units. Now, in our normal course of curriculum review, which we've had each year, we've been considering the matter of making it a more condensed course. We've had a year-and-a-half's study and next year we will be introducing a 15-week course, which will be taken in five-week units.

Firefighter training, as the minister has explained, is provided through regional schools. We take our own instructors and our own equipment and locate in the municipality and provide training in a five-day course for the firefighters of the area. We usually conduct six of those each year in various locations within the province. About 40 firefighters attend.

We are now developing a new programme to utilize the skills of the graduates of the fire protection technology course, the 22-week course that we conduct at the college. Those individuals receive techniques of instruction to give them a good background and make them into competent local instructors. What we are proposing now, for any fire department or for any county or region or district group — as you know there are several mutual aid groups across the province—that wish to sponsor one of these schools, we will come in and provide the agendas, we will provide the lesson

plans for the instructors, provide the backup textbooks for the instructors to use, and provide standard notes for the firefighters or for the students so that they will have something to take away with them and refresh their memories. We will also provide the examinations for these courses.

**Mr. Haggerty:** Are you taking part now in the Niagara College firefighting programme?

**Mr. Hurst:** The community college?

**Mr. Haggerty:** Yes, the community college.

**Mr. Hurst:** No.

**Mr. Haggerty:** Why not?

**Mr. Hurst:** Well, we were requested by some 20 community colleges to provide advisory services to them in this field, and I suggested to each one of them that there is a procedure to be followed in requesting services from our organization. The reason for that, of course, is because it requires extra staff and money to provide this advisory service. I mentioned to the person responsible in the Ministry of Colleges and Universities that if the colleges required this type of assistance, their minister should write to the Solicitor General indicating the type of assistance they required and giving some ideas of volume so I would be in a position to cost out the programme.

**Mr. Haggerty:** Why is it so hard to get a copy of the Fire Marshals Act? I know in this particular course at Niagara College that whoever was teaching it didn't have a copy of the Act. You did provide me with a couple of copies of it, and they were well appreciated. I mean, if you are going to have some type of schooling in any of the colleges, you should have the resource material there.

This raises another problem. What about your decision now to move out into the unorganized territory, say in northern Ontario, to create fire departments there? How are you going to bring this in and what type of training program will you have? You have colleges in certain areas in northern Ontario. Should there not be some type of school established that these persons may attend to upgrade their firefighting knowledge?

**Hon. Mr. Kerr:** Well, I think it is with the idea of providing more equipment in the north, particularly where there is some type of municipal entity that can look after the equipment, whether it's a council of

some kind or a group of trustees, or what have you. Then we would be in a position to provide equipment.

As far as training is concerned, I would think that the short five- or six-day course that I mentioned could be available in the north close to those areas. However, if you get into the really thorough elaborate type of training that's provided at Gravenhurst, lasting as much as 22 weeks, it's hard to create that type of facility in various parts of the province because of the cost and staffing and things like that.

To answer your previous question regarding remuneration, I just want to mention that the students there are provided with free board and lodging, textbooks and classroom equipment; their travelling expenses are paid to and from the college. Municipalities continue the salaries of full-time fire officers and it says here that most municipal councils compensate volunteers for wages lost while attending these courses. I suppose it means that there are some exceptions, and maybe this is something we should take a look at.

**Mr. Haggerty:** It's the long course that's involved. It may be 22 weeks, and that's a long time to be away and they would like to have a break in it.

**Hon. Mr. Kerr:** They can take that in stages, can't they, Mr. Hurst, in six- or seven-week periods?

**Mr. Hurst:** Next year, as I mentioned, they can take it in five-week units. Generally speaking, the college is vacant on weekends. There are very few people there. They usually go back to their homes on weekends.

**Hon. Mr. Kerr:** Not in the summer, I wouldn't think. Not in Gravenhurst.

**Mr. Hurst:** Yes, unfortunately they do, sir. When we first opened the college everyone brought their boats and their fishing gear up to the college, but you don't see too much of that now. They seem to be fully occupied. Let me be more specific about the payment of volunteer fire officers who come there. These are in the minority, as you know, Mr. Haggerty. In a volunteer fire department of approximately 16 people, you might have maybe two or three officers who need to be trained.

**Mr. Haggerty:** It's usually the officers that take the course.

**Mr. Hurst:** Yes, that's what it's for. It's not for firefighters.

**Mr. Haggerty:** I see.

**Hon. Mr. Kerr:** I think you're talking to an old volunteer fireman, Mr. Hurst. Am I right, Mr. Haggerty? You're an old volunteer fireman, aren't you?

**Mr. Haggerty:** I suppose if I got all my brothers in we could run a brigade.

**Mr. Hurst:** There was a problem in the very early stages, and there is to some extent a problem now, over compensation for volunteers. When we'd have one of our advisers go with the local fire chief to his council and explain the benefits that that council was going to receive by upgrading the officers of the department, we found that a little over 80 per cent are compensated at roughly \$150 a week. If you know any volunteer officers who are having difficulties in that way let me know and I'll have one of our officers go and see his municipal council.

**Mr. Haggerty:** You will bring the money along with you then, eh?

**Hon. Mr. Kerr:** You have to gauge their compensation by the number of fires back home while they're up there.

**Mr. E. Sargent (Grey-Bruce):** What is the population ratio to firemen?

**Mr. Hurst:** There's no relationship.

**Mr. Chairman:** Are you all through, Mr. Haggerty?

**Mr. Haggerty:** No. There are some other matters that I'm going to deal with, in particular the one here where you have \$4,000 set aside for the Fire Prevention Association. I suppose this is to give them a boost in Fire Prevention Week. This is one stage, Mr. Singer, where we might have to agree that the government should be spending more money—in informing the public of Fire Prevention Week and what they should be doing and some of the regulations as set out. Too often when you pick up the local newspapers you will find that each city or municipality will have an advertisement about Fire Prevention Week. Why couldn't it be one standardized form paid for by the Province of Ontario? You could have your picture there, Mr. Kerr.

**Hon. Mr. Kerr:** No, the fire marshal.

**Mr. Haggerty:** You would be missing out on the act, so it should include your picture the same as the other ministers when they do a little advertising like that. I think it should be one standardized programme here paid for by the province. I know that some public-spirited community citizens and busi-

nessmen will say the ad is sponsored by them, but I would like to see something, perhaps in the wording of it, that it's more likely to have come from the Province of Ontario. It has a little more impact like that.

**Mr. Hurst:** Mr. Chairman, if I may respond, we do have a programme such as that, Mr. Haggerty. It costs the province \$6,000 a year.

**Mr. Haggerty:** What papers are they put in?

**Mr. Hurst:** It is a television/slide/film programme and a radio recording programme on fire prevention messages and newspaper mats for newspapers to publish fire prevention messages. This programme is provided by the joint fire prevention publicity committee, which is sponsored by the Association of Canadian Fire Marshals and the Association of Canadian Fire Chiefs. It is a non-profit organization, and the production costs for those materials are shared through all of Canada. The committee also sells the idea to the various television stations, radio stations and newspapers across the province.

The point that's important, I think, is that in each of these publicity pieces, the local fire chief gets the credit. We don't get the credit. My feeling is that we should be building the stature of local fire chiefs within the local municipalities.

**Mr. Haggerty:** Well, you can have their names included in the ad. But the other concern I wanted to discuss, Mr. Chairman, is the provincial building standards code. When will that come into effect? When are you going to adopt those regulations?

**Mr. Hurst:** Mr. Chairman, this might be a more appropriate question for the Minister of Consumer and Commercial Relations (Mr. Clement). It is his ministry that is responsible for the development of both the Ontario Building Code, which you know has been tabled in the Legislature in draft form, and later the Ontario Fire Code.

**Mr. Haggerty:** You have quite a bit of input into this report, though, have you not, and the regulations that will apply later on?

**Mr. Hurst:** I don't know really what you mean by a considerable amount of input. We eventually convinced the ministry that we should have at least one member on each of the major committees—

**Mr. Young:** The fire marshal helps in the situation, eh?

**Mr. Haggerty:** Yes, I was hoping that he would get into this. Of course, my main con-

cern, if you look back into the report, is the deaths in fire losses. The figures here are for 1972; I don't have the latest. What was it in 1973?

**Mr. Hurst:** Pardon me. Are you looking at the fire death rate?

**Mr. Haggerty:** That's right.

**Mr. Hurst:** Yes.

**Mr. Haggerty:** In 1972 it was 254.

**Mr. Hurst:** Yes, if you would like me to give you all of the figures for 1973, the fire death rate for 1973 was 2.7—and you'll notice the fire death rate for 1972 was 3.3.

**Mr. Haggerty:** That's right.

**Mr. Hurst:** The fire death rate is the number of deaths per 100,000 population.

**Mr. Haggerty:** How many losses were there in terms of men, women and children?

**Mr. Hurst:** There were 120 men, 46 women and 46 children, for a total of 212.

**Mr. Haggerty:** And what was the cause of fire?

**Mr. Hurst:** Of which fire?

**Mr. Haggerty:** Of all of them.

**Hon. Mr. Kerr:** There would be various causes.

**Mr. Hurst:** There was a very broad range of causes, but I might say the major contributing factors—and I suppose this is more important than anything else—is still alcohol and cigarettes.

**Mr. Haggerty:** Alcohol and cigarettes.

**Hon. Mr. Kerr:** Ah, and women.

**Mr. Haggerty:** Yes, there were 46 of them lost in fires.

Now, have you given any consideration to bringing in some regulations for, say, warning systems in rooming houses and apartment buildings, in anything more than a single dwelling? Have you thought about bringing in some regulations that would perhaps give some warning to persons living in those types of buildings? What about heat detectors?

**Mr. Hurst:** In apartment buildings?

**Mr. Haggerty:** In apartment buildings and rooming houses.

**Mr. Hurst:** Yes, Mr. Chairman, in terms of apartment buildings I think you will find

that a fairly common practice in the new apartment buildings in Metropolitan Toronto is that there is fairly extensive use of heat detectors to give early warning of fire. But it is for the local municipalities to decide the level of fire safety in that class of building.

**Mr. Haggerty:** Why would you leave that to the local municipalities? Is it going to be included in the provincial building code?

**Mr. Hurst:** Yes, these problems that you are raising, of course, will not necessarily all be solved by the production of one document, but I think it will be a major step forward to improve the fire protection of this province. I think it is a major step and it will be of great assistance to the construction industry, the architects, the engineers involved in the design and construction of buildings, as well as the public who are occupying the buildings, because there would only be one document, one law, for the province.

**Mr. Haggerty:** This would apply to older buildings, such as rooming houses?

**Mr. Hurst:** The Ontario Building Code, generally speaking, applies to new construction. The Ontario Fire Code applies to existing construction. If you were upgrading an apartment building you would deal with that in the Ontario Fire Code.

**Mr. Haggerty:** That is when they put some paint on a building or a wall, or something like that; that is what you are going to call upgrading, is it—

**Mr. Hurst:** No.

**Mr. Haggerty:** —so that you can provide that protection for the occupants?

**Mr. Hurst:** Generally speaking, upgrading occurs when there is a change of occupancy, but it is not limited to that.

**Mr. Haggerty:** Fire Chief Frank Dimond of the city of Port Colborne—I believe he is president of the Ontario Association of Fire Chiefs—raises a question with me about the dangers and possible hazards of aluminum wiring in houses. Have you done any research on this at all? I understand that there is a study that has been completed in the United States, and there is a big lobby by the companies over there because they don't want this changed. It may cost them a few dollars to go back in and put in one of the safer wiring systems there is in housing, and that probably means going back to copper.

Have you given any consideration on studies into this here in Ontario?

**Mr. Hurst:** No, Mr. Chairman. We normally wouldn't be making studies on matters such as this. This would be dealt with by Ontario Hydro through its inspection branch, and through the Canadian Standards Association code committees, which deal with the question of the types of conductors and the materials that are used in conductors in the various buildings.

**Mr. Haggerty:** This deals particularly with receptacles and connections, I guess, in a room's wiring, which cause the problem because there is a chance of shorting there which can eventually cause fire. Perhaps you should be looking into this matter.

**Mr. Hurst:** Well, Mr. Chairman, that is a responsibility of Ontario Hydro. We would be delighted to assist in all of these things but I am not quite sure that my staff is quite large enough to take them all on at this time.

**Mr. Haggerty:** Will you bring this to the attention of Ontario Hydro, then? Is there not a possibility that you could have a number of fires here in Ontario caused by this type of installation?

**Mr. Hurst:** That is quite possible, Mr. Chairman. I would like to get a report from Frank Dimond. If you would ask him to drop me a note, I would be delighted to look at it. I have never heard of the problem before.

**Mr. Haggerty:** Well, I'll leave this with you and you can follow it up from there.

The minister did mention about establishing fire departments in unorganized municipalities. I thought I understood you to say that there was some form of assistance that would be available.

**Hon. Mr. Kerr:** Yes, in areas where there is no fire protection now, particularly in unorganized areas, we would hope that through the help of TEIGA some type of community council or organization within the territory, whether it is a little community or village, could be responsible for accepting, looking after, housing and using fire equipment. There would have to be some training given to those people.

**Mr. Haggerty:** The financial assistance that I want to discuss is in the buying of equipment.

**Hon. Mr. Kerr:** I think frankly, in those areas we would probably actually buy the

equipment. In other words, we would equip the group—the particular council—depending on its size, location, and whatever other services may be in the area. But you would start with certain basic equipment.

**Mr. F. Laughren (Nickel Belt):** We are going to hold you to that.

**Hon. Mr. Kerr:** Yes. Well, it is better than money.

**Mr. Haggerty:** I think this is important, what the minister is saying. I think it would be a welcome addition to the programme that you are going to establish.

**Hon. Mr. Kerr:** I think that's basically our idea.

**Mr. Haggerty:** I don't know what fire equipment is worth today, but I believe when I was on local council and chairman of the fire committee, a pumper was worth about \$20,000. I suppose we are now talking \$30,000 or \$33,000?

**Mr. Hurst:** Mr. Chairman, we surveyed the area, of course, and we developed standards for communities of different sizes. The situation, of course, in an unorganized territory is quite different from in the organized communities of southern Ontario. And I was very pleased to hear the minister say that he was planning to subsidize the equipment. I think we can get some benefits. I don't think you need to start thinking in terms of \$30,000 trucks. I would say very few of them would be in that category.

**Mr. Haggerty:** Well, I hope they have adequate equipment; let's put it that way. Not a Jeep and a five-can Indian pump.

**Mr. Hurst:** Well, if it's not, I guess I am the person to blame. But what we could do probably to save money, if that was the approach, we obviously could do bulk purchasing and get competitive bids. Rather than buying one truck at a time, if you bought five or 10 at a time, you are obviously going to get a cheaper price in the long run.

**Mr. Haggerty:** Is there any possibility that you could use some of the equipment that is down here in southern Ontario? I mean some of the pumpers that are sitting around the firehalls in some cases are 15 years of age and they are becoming obsolete.

Now, don't get your seat on fire there.

**Mr. E. W. Martel (Sudbury East):** We don't have any at all. You could pass the second-hand ones on to us.

**Mr. Haggerty:** No, no. I don't say there should be a charge. All I am suggesting is that it's a good thing to start with in many municipalities in northern Ontario. I think that they should have new equipment, but I am saying to the member for Sudbury East that half a loaf is better than nothing. I think I would want something there that was going to put some water on to a fire.

**Mr. Martel:** We don't want second-hand ones; let's start with new ones.

**Mr. Haggerty:** I suppose when I get really talking about fire matters, I think the most important thing in any home is to leave your garden hose hooked up 12 months of the year in the basement, and that is perhaps one of the best extinguishers there is, and the cheapest.

**Hon. Mr. Kerr:** Especially in February.

**Mr. Haggerty:** Okay.

**Mr. Chairman:** Mr. Wardle, please.

**Mr. Wardle:** Mr. Chairman, in the matter of upgrading fire departments throughout the province, Mr. Minister, did I understand Mr. Hurst to say that in addition to the fire training school at Gravenhurst, there is also training given in community colleges throughout the province?

**Mr. Hurst:** Mr. Chairman, I didn't say that. I think Mr. Haggerty implied that there was a course at the Niagara community college.

**Mr. Haggerty:** There is at Niagara College.

**Mr. Hurst:** And Algonquin in Ottawa is providing a course, but I understand they are phasing it out. I think Seneca is providing a course that is being phased out. There have been a few that have been providing courses.

**Mr. Wardle:** May I ask, Mr. Hurst, whether there could not be more done to upgrade the fire departments, especially in smaller centres throughout the province? Every winter it seems a number of children are burned to death in fires in cabins and this type of housing. I am just wondering if anything could be done to remedy that situation by possibly better training of the local fire department, or equipment that may be required.

**Mr. Hurst:** Mr. Chairman, the responsibility of providing firefighting services to communities, as you know, is a municipal responsibility. They decide whether or not

they will have such services, and to what extent those services shall be.

Our role, by statute, is to assist municipal councils in this field by encouraging them to improve their equipment, their operations of their fire department, their administration, and their fire prevention activities, and bylaws.

As part of this we provide training. For example, if a new community is just establishing a fire department, we assist with the appropriate bylaws, the number of men it requires, and the specifications for equipment and so forth. We also send one of our officers in to that department and train those individuals on that particular equipment.

**Mr. Wardle:** Is there any subsidy toward the purchase of fire equipment in those areas?

**Mr. Hurst:** No.

**Mr. Wardle:** Is it possible that many areas do not have a proper department, volunteer or otherwise, because they cannot afford to buy the necessary equipment?

**Mr. Hurst:** Well, Mr. Chairman, I think that's a possibility. It all depends upon what standards you would use to judge it against. If you use it against my standard, of course, it wouldn't be adequate. However, it is the community that has the responsibility of raising the funds to pay for such services. At the moment, of course, the laws require them to do it.

**Mr. Wardle:** From your experience, would you not be able to look at a municipality and its buildings and commercial plans and tell the municipality what the standards should be; and possibly subsidize the purchase of equipment? Would this not be desirable?

**Mr. Hurst:** Yes, we do that as a matter of fact, Mr. Chairman. We have conducted 640 fire protection surveys of municipalities in Ontario since 1964. These are pretty full-blown reports indicating what we found and what we recommended for improvement in terms of equipment, training, administration, bylaws, communications and the whole field of equipment and resources. Of those 640 reports, 42 per cent of our recommendations have been accepted by councils. That's just about the level of acceptance of our standards in fire protection.

**Mr. Wardle:** Mr. Chairman, I'm thinking that if the businessmen and residents of a certain town find that in the event of a fire the town council has not provided proper

equipment, how would the average resident know that you have required the council to provide certain equipment and the council, in its judgement, has decided it doesn't want to do this?

**Mr. Hurst:** Mr. Chairman, our reports are confidential to the councils in the first instance. We feel they requested the reports to form resolutions and we should limit them to the councils. Usually what happens is the council has an open meeting on these matters and the public gets to know precisely, through the news media, whether they're accepting them or rejecting them and so forth.

**Mr. Wardle:** The second part of my question, or maybe my statement, is this. It's quite possible that residents or business people in a town may be paying higher fire insurance premiums than they need to because their local council has not provided the necessary fire equipment. Along that line, have you any indication to show that when a town has provided equipment and training of personnel to your standards, insurance rates have been lowered in that particular area?

**Mr. Hurst:** Mr. Chairman, my own general feeling on fire insurance rates is they bear very little resemblance to the fire protection provided, but that might be a rather biased opinion.

**Mr. Haggerty:** It is quite right.

**Mr. Wardle:** Surely though, Mr. Hurst—

**Mr. Hurst:** If I could just finish, I do have a documented case in the township of Huntley. I received a report recently that, as a result of the survey we conducted and acceptance of our report—and a unique fire chief who is trained as a lawyer-engineer—the rates for that community went down by, I think, some 25 per cent for residential dwellings.

**Mr. Wardle:** Couldn't this be publicized? If a town places, on the tax rate, the taxes to provide proper equipment and standards of training for the personnel, and follows through with the next step of telling the people, "We have done this therefore your insurance rates should be lowered," and somehow follows through to make that public, could this not be done? Is that not reasonable?

**Hon. Mr. Kerr:** I think there must be some responsibility on the local council to spend whatever allocation it has for fire equipment,

fire prevention and inspection. This is mainly a local responsibility and we're talking about local autonomy all the time these days.

**Mr. Singer:** The government wouldn't want to interfere with local autonomy.

**Hon. Mr. Kerr:** No. If, as Mr. Hurst has just said, there's a public meeting and the people, in the example you are talking about, have to pay increased insurance premiums because of the lack of adequate equipment and firefighting personnel, as taxpayers and voters in that community, certainly they can exert pressure upon that council to correct that situation.

**Mr. Haggerty:** That is another thing. They don't have pressure on the water supply there.

**Mr. Singer:** That sounds just great. If there is a public meeting and if the council has requested it and if the report is brought forward, the public might get to know about it. I would guess that if a council has asked for this kind of a report and it comes back as fairly damning, the likelihood of it being discussed in a public meeting with the press being there is not very great. I have been to an awful lot of these councils out of Toronto. The number of meetings that are held in committee far exceeds the number of public meetings and the availability of documents like this is not very clear.

I would like, if I may, to get into why you show such great concern about local autonomy in this field when you don't in so many other fields. On policing, for instance, you had a task force. There is a great long report here talking about what the province should do about policing. Isn't fire protection equally important? You have been taking steps along the years, and there are many more steps recommended in here, that indicate that you should interfere with local autonomy to provide better policing in the public interest. Why shouldn't you do the same thing to provide better fire protection in the public interest?

As I listened to Mr. Hurst, it is pretty obvious that he goes into municipalities when he is asked to go in and he makes a confidential report, which it is then up to the local people to reveal. He doesn't do a great deal on his own initiative, probably because he hasn't got the staff and probably because nobody really wants him to do it. I don't blame Mr. Hurst particularly. I blame the government. It doesn't direct him in this way.

As I am talking here, I am reading the front-page story in today's Toronto Star that talks about rooming-house fires. I don't think it should be a question of local autonomy that people get burned to death in Toronto at a great old rate. They just commissioned a report and the report has come in. The report says:

Numerous and often conflicting city bylaws, standards, definitions, inspectors and departments result in a morass of procedures and interpretations, a confused public, a frustrated staff and an ineffective administration of municipal regulations.

One of the results of this, according to the report, has been the fact that 13 persons have died in fires in illegal rooming houses in Toronto this year.

I don't think that local initiative should have the right to continue this morass of conflicting regulations and ineffective enforcement. Isn't it time that the province, in keeping with the sentence that you have here at the bottom of vote 1502 that says, "This programme is concerned with eliminating or minimizing hazards to human life and property," established certain basic standards?

Where you have a situation in our largest city which has resulted in the deaths of 13 people, something should be being done on this level to come to grips with that problem. I have been listening carefully this morning and I have not heard a single thing being suggested that this is to be done. Maybe, if the Toronto council should ask Mr. Hurst to come in, he will come in and he will add another report to their lengthy file of reports.

**Hon. Mr. Kerr:** Has the Toronto council asked Mr. Hurst?

**Mr. Singer:** I say, if they did. What I am suggesting is Mr. Hurst should be and that you should be concerned about rooming-house deaths in Toronto.

**Hon. Mr. Kerr:** The largest city in Ontario.

**Mr. Singer:** That's right. It is the largest city. Seeing that you are concerned about the Metropolitan Toronto police and the Hamilton police and all Ontario's police, I think the same thing applies and there should be a concern.

**Hon. Mr. Kerr:** Well, it's the same.

**Mr. Haggerty:** Public safety must come first.

Mr. Singer: Certainly.

Hon. Mr. Kerr: I agree with you.

Mr. Singer: Well, all right.

Hon. Mr. Kerr: I agree with you because of what has happened since Jan. 1. But isn't it a sad commentary in a city of this size, the second largest city in Canada, that they can't cope with fire problems? They are not properly inspecting old, dilapidated buildings and they have 13 deaths in a matter of three months.

Mr. Singer: But then you lay down standards.

Hon. Mr. Kerr: It is a very sad commentary.

Mr. Singer: It may be, but then you lay down standards, the same as you laid down standards for arrest procedures and finger-printing and the use of Mace and that sort of thing.

Mr. Haggerty: And then they enforce them.

Mr. Singer: Certainly, there should be some direction from you, and there isn't.

Hon. Mr. Kerr: They have it under the Fire Marshals Act. They have all the authority and necessary wherewithal not only to create a fire department but to pass by-laws in respect to all types of buildings, fire prevention and fire equipment.

Mr. Singer: I know what the Fire Marshals Act says.

Hon. Mr. Kerr: They have that authority.

Mr. Singer: What I am suggesting is that what you are saying is a copout. You have the responsibility to establish basic fire standards throughout the Province of Ontario. Even if the local council may not have been doing what it is supposed to do—and

perhaps in the case of some of the things that are recommended, it isn't going to have power to do them unless we give them more statutory authority—there should be some concern in the ministry—

Hon. Mr. Kerr: There is.

Mr. Singer: Well, all right, then you expand your legislation, you give Mr. Hurst more money, you give him a larger staff and you lay down basic standards. And I don't see that you are doing it.

Hon. Mr. Kerr: That's the point. We would have to very substantially increase the staff of this particular office.

Mr. Singer: I would far rather see you put the \$500,000 into this department than I would into the head office secretariat that we were talking about yesterday. At least you would be protecting some lives.

Hon. Mr. Kerr: There's no question we want to realize what we are saying here. It really changes the whole purpose and jurisdiction of the fire marshal. It would not only require, as you say, the imposition of standards, it would require a whole new inspection staff for the whole province.

Mr. Singer: What's wrong with that if it saves lives among the people of Ontario? Isn't that an objective you should strive for?

Hon. Mr. Kerr: You are right and I am happy to hear you agree with that because that's what it entails.

Mr. Singer: I wouldn't quarrel with that kind of increase in expenditure. Another phase of this—

Mr. Chairman: I think it's time to adjourn, Mr. Singer; it is past 1 o'clock. We will resume discussion on item 4, vote 1502, on Monday at 3 o'clock.

The committee adjourned at 1 o'clock, p.m.

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Ontario, Legislative Assembly

# Legislature of Ontario Debates

## ESTIMATES, MINISTRY OF THE SOLICITOR GENERAL

Standing Administration of Justice  
Committee

Chairman: Mr. J. A. Taylor

OFFICIAL REPORT — DAILY EDITION

Fourth Session of the Twenty-Ninth Legislature

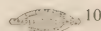
Monday, May 6, 1974

Afternoon Session

Speaker: Honourable Allan Edward Reuter

Clerk: Roderick Lewis, QC

THE QUEEN'S PRINTER  
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# LEGISLATIVE ASSEMBLY OF ONTARIO

MONDAY, MAY 6, 1974

The committee met at 3:10 o'clock, p.m.

## ESTIMATES, MINISTRY OF THE SOLICITOR GENERAL

(continued)

On vote 1502:

**Mr. Chairman:** The last day we were discussing item 4, vote 1502. Are there any further comments or questions in regard to item 4?

**Mr. T. A. Wardle** (Beaches-Woodbine): Carried.

**Mr. Chairman:** Carried?  
Item 5.

**Mr. Wardle:** Carried.

**Mr. M. Shulman** (High Park): No, not quite. Wait a minute.

**Mr. Chairman:** Forensic pathology, item 6?

**Mr. Shulman:** On item 5, just one brief point. The minister last year promised he was going to straighten out the business of changing the Cemeteries Act, so that coroners won't have to be sent out on cases that have already been investigated. But we have a different minister now. The minister last year said he was going to bring in an amendment to that Act; has anything happened? Or is anything happening?

**Hon. G. A. Kerr** (Solicitor General): Dr. Cotnam, would you like to reply?

**Dr. H. B. Cotnam** (Chief Supervising Coroner): Mr. Chairman, that promise has been worked on. There is a draft bill now just ready to go to committee.

**Mr. Shulman:** Okay, that's all I have.

**Mr. Chairman:** Carried?  
Item 6, forensic pathology. Carried?  
Carried.

Vote 1502 agreed to.

**Mr. E. M. Havrot** (Timiskaming): We are really moving now.

On vote 1503:

**Mr. Chairman:** Vote 1503, supervision of police forces programme. Item 1, Ontario Police Commission. Mrs. Campbell.

**Mrs. M. Campbell** (St. George): Mr. Chairman, I understood at the beginning that this is the point at which we raise the question of private security services.

I am interested that the task force on policing took a look at this particular problem and recommended a specific and comprehensive review of private security services in Ontario. A great deal of this, of course, has to do with information retrieval and retention. It is of particular concern to me when we see the increasing ownership of such forces by American companies in this province and in other parts of Canada.

I would like some indication from the minister as to whether or not he is now implementing this particular recommendation or what his plans are for it. I don't suppose it does much good to belabour the point, but it is frightening to me that we see this increasing intrusion by a foreign element into this area. And, of course, it opens the doors to the question of the rights of individuals when we have private intelligence information which is being stored and can be the subject of disclosure, presumably. I don't think that I want to belabour it many more than that, but I would point out that we saw the abuse of this in the Arstistic strike, and we can see the lengths to which our whole administration of justice can be prostituted by this type of operation.

So, I would like, again, to ask what is being done on the general question, and what, if anything, has been done insofar as this specific case is concerned? I'm looking at 36 and 37 of the task force report.

**Mr. Chairman:** Would you care to respond to that, Mr. Minister?

**Hon. Mr. Kerr:** Yes. Mr. Chairman, I think I indicated in my opening remarks that we would be looking at existing legislation dealing with private security organizations and private security services. We're not satisfied with the present legislation. We are con-

cerned, as the hon. member has indicated, about the number of American companies that seem to be almost controlling this field. As the task force has indicated, there is an area of concern.

The hon. member might note that the task force recommended that the Solicitor General initiate a specific and comprehensive review of private security services in Ontario. I think we can do that. It just happened, before the task force report was available, that we had asked the Centre of Criminology at the University of Toronto to initiate a study for us in this whole area. Unfortunately, they have indicated that this report probably won't be available before the end of the year. I would like to see legislation dealt with sometime this year in the current session of the Legislature. I think that we can comply with the recommendation in a way that won't require us to wait for the centre's report, although it would be of help. But, I think that we have enough information now and the task force has enough information now, so that we can at least draft legislation and hopefully pass it before the end of the year.

**Mrs. Campbell:** Mr. Chairman, thank you. I would like to know if I could have the terms of reference of the inquiry which was to be undertaken by the Centre of Criminology?

**Hon. Mr. Kerr:** Would you have that, Mr. Bell?

**Mr. E. D. Bell** (Chairman, Ontario Police Commission): No. It wasn't done through the commission.

**Hon. Mr. Kerr:** Was that through the ministry?

**Mr. Bell:** Yes.

**Mr. Chairman:** Could you get those terms of reference?

**Hon. Mr. Kerr:** We would have to get these terms.

**Mrs. Campbell:** Thank you. I would take it from what the minister has said, it is something more than looking at existing legislation but rather all of the peripheral matters as well.

**Mr. Chairman:** Are there further questions on private security services?

**Mr. J. A. Renwick** (Riverdale): Yes.

**Mr. Chairman:** Mr. Renwick.

**Mr. Renwick:** In fact, I find that a most unusual procedure. Did the Centre of Crimi-

nology carry on any public hearings about it? Did they notify the labour movement? Are they vitally concerned about it?

**Hon. Mr. Kerr:** I don't know if that would be a normal thing for the centre to do.

**Mr. Renwick:** No, but why did it go to the Centre of Criminology?

**Hon. Mr. Kerr:** As I say, this was undertaken and commissioned before the task force report was made available to us. My predecessor (Mr. Yaremko) was concerned about this whole area of private security services. I'm sure that the activities of the Artistic Woodwork strike also created reasons why this whole area should be looked into. I would think it would be a rather normal commission for a centre of that kind.

Whether or not we should hold hearings, of course, I don't know. Certainly if you are looking at the whole gamut of private security forces in other jurisdictions, the centre would be a logical place to look for information.

**Mr. Renwick:** Well, we are saying that the ministry showed no interest or any concern about the representations made by the Ontario Federation of Labour and the Labour Council of Metropolitan Toronto in July of 1972, when they went to the trouble of putting together the kind of report that the government had been lacking, to speed up or initiate some movement by the government. The only movement that has taken place was to refer the matter to some private inquiry by the Centre of Criminology.

**Hon. Mr. Kerr:** If I am not mistaken, the present legislation is not that old. Whether or not it has arisen out of previous incidents or reports of the kind that the hon. member is talking about, I'm not sure. But, there have been attempts, almost continuously, to improve on legislation in this area. It is still found to be wanting. There are still criticisms about the operation of some of these services. And whether or not we have enough information is a viewpoint that would be considered. Whether or not we want a broader viewpoint with more research would be considered. This is the main thing that the centre would be doing—as far as the creation of these services is concerned, how they have developed in other jurisdictions, the type of approach we should take, and the type of objectives we should have in Ontario.

**Mr. Renwick:** May I say, with the greatest deference, this is a little bit more than a viewpoint. This involves the people who are

basically concerned with what have been obviously illegal activities condoned by the government. I use the term advisedly because nothing has been done to amend the statutes with respect to this whole area in the face of the blatant abuse of it by Richard Grange and those associated with him.

Regarding the information put out in connection with the Artistic strike, let me ask you specifically. I assume you have this correspondence about one Ronald Masut.

**Hon. Mr. Kerr:** Yes. I have a report on it here arising from the correspondence.

**Mr. Renwick:** And I assume, but I would certainly like the record to show, that the police commission had no knowledge that this man Masut was, during the course of the Artistic strike, a private investigator or undercover agent or whatever you want to call him? Have you any knowledge if the Toronto police force knew that this man was engaged in such activities and condoned them in any way?

**Hon. Mr. Kerr:** No, I am not aware of any such information. Masut was licensed under the Private Investigators and Security Guards Act. He was a private investigator working for Wackenhut Canada Ltd. between July 13, 1973 and Nov. 20, 1973. He was then hired through Wackenhut by Artistic.

My information is that his assignment involved gathering information on any union activities which might result in damage to company property or injury to employees crossing the picket line. Then in August and September of last year, he was arrested and charged with mischief under the Code by intercepting vehicles leaving and entering the plant. He was convicted in January of this year of the first charge laid in August and fined \$200 or 20 days in jail.

**Mrs. Campbell:** The others were withdrawn?

**Hon. Mr. Kerr:** The other charge was withdrawn in February of this year. His licence, of course, has been cancelled. His employment with Wackenhut, apparently, has been terminated and it seems extremely unlikely he will ever be issued a licence again, under this particular legislation.

Now, the registrar has conducted a full investigation and I am advised that a hearing against Wackenhut has commenced. But I am not aware, as the hon. member requests or asks, that the police were involved in the way in which you suggest.

**Mr. Renwick:** All right. Now when was his licence lifted?

**Hon. Mr. Kerr:** I understand it was cancelled this year, after his conviction in January.

**Mr. Renwick:** After his conviction?

**Hon. Mr. Kerr:** Yes.

**Mr. Renwick:** And because of the conviction?

**Hon. Mr. Kerr:** Yes, I would assume.

**Mr. Renwick:** What is the investigation being conducted with respect to Wackenhut?

**Hon. Mr. Kerr:** Because there may have been some type of conspiracy involved as a result of hiring this man, the registrar is looking into the employer with the idea of deciding whether or not there has been some improper or illegal conduct on behalf of the employer, whether he knew the purpose of this man's employment, knew of his activities on the picket line and knew if there was any agreement, tacit or otherwise, to behave in the manner in which he behaved, resulting in criminal charges being laid.

**Mr. Renwick:** When you say you are thinking of bringing in legislation, what are you going to do about industrial espionage and all of its facets?

**Hon. Mr. Kerr:** Well, I think the whole idea of private security services, the registering or validating of services of this kind for industrial plants or commercial buildings, is in the area of protection. It was really not the intent of this legislation to involve labour disputes of this kind, or the type of activities for which Masut, for example, was hired. It is mainly for the protection of property, not necessarily to protect workers in moving to and from industrial plants that are on strike.

For example, take the idea of convictions as a result of fires that have happened, involving people involved in private security services. What type of protection are they in fact affording in instances such as that? Or are there other activities involved?

The whole area, of course, of electronic surveillance and wiretapping has been looked after by the new federal legislation. I wouldn't think at any time a private security company would be ever given permission to conduct a tap or electronic surveillance of any kind in the private sector as they have been doing up to now.

I think there needs to be control over the people who are involved in private security services—the character of these people, their background, whether they are persons with a serious criminal offence in their background, the type of training, the type of qualifications that organizations like this should have, whether they should be able to carry firearms or not, what information should be made available to them by the police, or other law enforcement agencies. It is a very sensitive type of occupation and it can be very powerful in the hands of the wrong types of people.

I think, as I say, there should be qualifications in training. These people should be looked at and approved, and they should for the most part always be under the law. They shouldn't be exempt from the law and they shouldn't ever have the same authority as our public police officers in any way, shape or form.

**Mr. Renwick:** I take it that this legislation of which you are giving us a brief preview is going to be a substantial redefinition of the role of the private security force when it comes into the Legislature this year?

**Hon. Mr. Kerr:** I would hope so. And that's why maybe we were wrong in having the centre involved. But, the reason why we wanted to have good research exercised in this whole area was because the use of this type of security service is proliferating tremendously, particularly in the States, where just about every building engages this type of service now. Even in neighbourhoods, as the hon. member probably knows, where they don't feel that police protection is adequate and there has been some crime, private security services are now involved and these people are armed. Whether they have the power of arrest or not is questionable, but they exercise it and we don't want this to happen here. So, I think the whole area should be looked at from the point of very clear, concise regulations in this whole field.

**Mr. Renwick:** Are you in a position where you can table that report or make it available to us? The report from the Centre of Criminology?

**Hon. Mr. Kerr:** I don't know if you were here when I was answering Mrs. Campbell's question—

**Mr. Renwick:** Yes, I was.

**Hon. Mr. Kerr:** I think we'll table it, yes, when it's available.

**Mr. Renwick:** I thought you said you had received it. I'm sorry.

**Hon. Mr. Kerr:** No, no. That's the problem.

**Mrs. Campbell:** No, it's a year away.

**Hon. Mr. Kerr:** We want it to be available this fall. There seems to be some hesitation on behalf of the centre to have it available this fall.

**Mr. Renwick:** But you're really serious that you're going to have legislation this year?

**Hon. Mr. Kerr:** Yes.

**Mr. Renwick:** Regardless of that report?

**Hon. Mr. Kerr:** We may not necessarily wait for the report. But I would like to wait for the report. My interest is mainly in getting some legislation in the House this year.

**Mr. Renwick:** And have we, as Mrs. Campbell asked, got the terms of reference now?

**Hon. Mr. Kerr:** No. Apparently—

**Mr. P. G. Boukouris** (Special Assistant to the Solicitor General): They're on their way over.

**Hon. Mr. Kerr:** Yes.

**Mr. Renwick:** They're on their way over? Will you, at the same time that you deal with the question of the private investigators, look again into the question of the exclusion of many of them from the Ontario Labour Relations Act? We went through this whole business of the nature of the association which they're capable of forming, and the fact that they are prohibited from being affiliated in any way with any of the other bodies in the labour movement. They are prohibited from being affiliated with the Metropolitan Toronto Labour Council, the Ontario Federation of Labour and the Canadian Labour Congress. And from a strictly collective bargaining—

**Hon. Mr. Kerr:** It concerns me that—and this is where we're getting back to this whole business of psychological testing for police officers. But I think what's happening in that area is understandable. I don't think these people want this type of affiliation. I think they feel that they're almost frontiersmen at times, with their pearl-handled revolvers and this type of thing.

**Mr. Renwick:** I was thinking of the original conception of it, where relatively low-paid persons were engaged in patrolling company property—

**Hon. Mr. Kerr:** In looking after buildings, right.

**Mr. Renwick:** —for normal internal protective purposes.

**Hon. Mr. Kerr:** Uniformed night watchmen, for the most part, right.

**Mr. Renwick:** Yes. A very good term.

**Mr. Chairman:** Mr. Drea?

**Mr. Renwick:** Just before I leave it, may I discuss the question of the uniform once more? I've suggested on a number of occasions that something has got to be done to identify the private investigator in the uniform that he wears from the police officer. There are versions of private investigators' uniforms around that are so close to a police officer's uniform, that unless you happen to be either sharp sighted or able to see in the dark, you can't distinguish between them, in many cases.

Somehow or other, if the investigators' uniform is going to be permitted, it should be of a distinguishable colour and design so that it cannot be confused. Because I think most persons respond, particularly at night-time, to a person dressed like that as they would to a person carrying the authority of a police officer.

**Mr. Chairman:** Mr. Drea?

**Mr. F. Drea (Scarborough Centre):** Mr. Minister, I'm interested in the labour espionage part of this, as you know. I wonder if one of your people there could help me out? How do these people get a licence in their own right, or do they get a licence as an employee of an organization that holds a master licence? I've never been able to sort this out in my own mind.

**Hon. Mr. Kerr:** Mainly the latter. The incidents with which you may be concerned involved individuals who were employed by a particular service or agency. But the individuals all have to have licences. They have to be licensed investigators. But, for the most part, they are in the employ of a company, because it involves some expenditure. There are automobiles, uniforms, office space and a whole administration of attempting to obtain contracts for this type of work involved. So, there are very few private individuals in the security guard business. Now, don't confuse this with the private detective area. Most of those fellows operate alone, as you know.

**Mr. Drea:** No, most of them operate in twos.

**Hon. Mr. Kerr:** Oh, do they?

**Mr. Drea:** Do these people who are now specializing in labour espionage get licences as security guards?

**Hon. Mr. Kerr:** That's right, yes. That's what happened in a couple of cases that we are aware of.

**Mr. Drea:** Let's just take your legislation in which you are going to forbid this type of activity. If you forbid this type of activity, you would forbid it at the company level, so that no one can employ a man to infiltrate a labour union or a labour organization?

**Hon. Mr. Kerr:** That's right. That's why the registrar is looking into this to see if, in fact, this man was given specific instructions to do what he did, resulting in criminal charges. Therefore it could be that the company—the employer in this case—is in trouble.

I think you are right. I think that if there isn't legislation or regulation now specifically prohibiting this type of thing, there should be.

**Mr. Drea:** All right, fine. Let's say that you do that and let's say that it goes through that neither you as a company nor your employees can engage in this activity without losing their licences. What's going to stop them then from doing it anyway? You don't need a licence to be a labour spy. I don't think the licence gives you any protection. In fact, I have been fascinated as to why they would ever bother, other than they did some other work from time to time.

**Hon. Mr. Kerr:** I think the idea would be to give it some air of legitimacy from the start. I agree with your premise though. If a person started out with the purpose of causing this type of disruption, that could be done by anybody, although he probably has some colour of right to be on that picket line when he's challenged. If he is shown to be employed by a security guard agency and he is questioned by the police, particularly as to his rather strange activities, this may in some way explain his presence there and in some way permit him to carry on up to a certain point.

**Mr. Drea:** This fellow never flashed his card.

**Hon. Mr. Kerr:** I don't know.

**Mr. Drea:** This fellow was supposed to be a bona fide picketer who got very excited under stress. I suppose, had he kept his mouth shut, he probably would have gone down in

history as a kind of a minor labour martyr. At any rate, what I am getting at is that you ban this, okay and that's fine, but then what else do you do to stop the practice?

**Hon. Mr. Kerr:** There is nothing very much we can do about people who won't be licensed under legislation, in other words, who won't attempt to be a bona fide security guard. If he is an agent provocateur, such as you are talking about, anybody could do that.

**Mr. Drea:** But that would be the end of that activity as far as the Solicitor General's ministry is concerned.

**Hon. Mr. Kerr:** No. He could very well be guilty of some criminal offence.

**Mr. Drea:** I am not talking about any overt act. I am talking about his day-to-day work.

**Hon. Mr. Kerr:** That is right, unless he attempts to obtain a licence. He is controlled or regulated in that way. The ordinary laws of the country would apply as far as his conduct is concerned—unless he tried to obtain contracts and things of that kind as a bona fide security guard.

**Mr. Drea:** Yes, but the moment this comes in he would be out of your ministry and he would be into the Ministry of Labour, although, mind you, the Minister of Labour (Mr. Guindon) hasn't got any authority either at the moment.

I was going to ask, wouldn't you consider making it an offence to engage in this type of business, that you not only couldn't be licensed but you would also be forbidden from entering into a clandestine arrangement? You could do whatever you want but you would have to file documents with either this minister or the Minister of Labour that you are doing this, that this is the person who is doing it, this is the salary he is being paid and this is the work that is expected of him. Would you consider that as coming under the Solicitor General?

**Hon. Mr. Kerr:** Yes, I think you can get that.

**Mr. Drea:** Without a licence? With no application to you for a licence?

**Hon. Mr. Kerr:** Just off the top of my head, unless there is some request for certification or request for a licence by an organization acting as a security guard or an individual, which means holding himself out in a particular occupation and entering into a contract

and having authority to do certain things around premises, such as protecting against damage and injury, I don't know what control we can have over somebody who isn't licensed in any way, outside, as I say, the normal laws.

We can certainly put something in legislation to say that no licensed investigator shall do certain things, or that no company or its employees shall do certain things, under penalty of forfeiting its licence, aside from, as I say, the ordinary laws in the land.

**Mr. Drea:** Tell me, on another matter, Mr. Minister, how do you feel about the use of trained dogs in this type of work?

**Hon. Mr. Kerr:** In private—

**Mr. Drea:** In general security work.

**Mr. Renwick:** It would be all right if they were licensed.

**Hon. Mr. Kerr:** Dogs? I don't know. You know, I know an awful lot of industrial premises in my own home town that have a couple of dogs within a fenced area. I suppose this is a substitute for more frequent patrols or something by the security agency, but I don't like the idea of dogs on a leash leading the security guard around the premises and then, all of a sudden, jumping at somebody. I don't particularly like that, because all the dogs I know are such kind little animals that I would not want to—

**Mr. Drea:** I am talking about where the agency—

**Hon. Mr. Kerr:** Yes.

**Mr. Drea:** —or whatever it is, as they do in the States and they are starting to do here now, trains dogs, supplies the dogs and transports the dogs, and the dogs, usually in twos, do lead the man around.

**Hon. Mr. Kerr:** Yes. Well, I would certainly look at that. I wonder if that type of thing is necessary. In a way that probably is more controversial than even the guard carrying small arms or something.

**Mr. Drea:** Well, is there anything to stop them from using dogs now?

**Hon. Mr. Kerr:** I am not aware of anything, no.

**Mr. Chairman:** Further comments, Mr. Drea?

**Mr. Drea:** Just one last one.

**Hon. Mr. Kerr:** No, there doesn't seem to be anything here that prevents the use of animals. But again, depending on the circumstances, I would think that security guards are sticking their necks out. There could be very serious consequences to the use of dogs, particularly if they are dogs trained for this type of work. It could be very dangerous, and I would think that serious injury could very well occur to innocent people—people who may have had a right to be on that property.

It is very easy to make a mistake. People should be properly challenged before they are questioned in any way or prohibited from entering a premise. And I could see some very dangerous incidents developing which could end up in very serious charges or civil law suits resulting from the use of dogs.

**Mr. Drea:** The minister is aware of the fact that in some places in the States they debark them to make them much more effective, because then the dog just springs.

You are also going to look into the uniforms, eh?

**Hon. Mr. Kerr:** Yes, the uniforms is one of the points raised in the task force report. There is no question there is a great deal of confusion in the public mind as to who is a bona fide police officer and who is a private security guard.

The same goes for some of the automobiles they use and their equipment, flashing lights and things like that on automobiles. They have these sort of ad hoc things where they can reach up and put warning devices on top of the roof when they think a situation is developing; sirens, markings on private vehicles, all this type of thing.

**Mr. Drea:** Just a last thing. What about the subcontracting out of some of the minor peace officer's work like clearing apartment parking lots or store parking lots or ticketing cars or having them towed away or that kind of thing? Because it comes up from time to time that a police force doesn't want to put, at the present pay scales, one or two policemen down in an apartment parking lot to hand out tickets or to arrange for tows. So this work gets subcontracted somehow down to some security agency, which gladly puts men in there because the owner is paying so much a head for them and then they do it.

**Hon. Mr. Kerr:** I would think that would be a normal thing. If you own an apartment

building and you have a private parking lot attached to that apartment building, why would you want a police officer? You know, it would be normal.

**Mr. Drea:** Well, I don't care—

**Hon. Mr. Kerr:**—that you in your civilian clothes or a private security guard would do that job.

**Mr. Drea:** That's fine. I don't mind that at all, except when a police force gives them the right to issue summonses or to write up tickets or whatever you want to call it.

**Hon. Mr. Kerr:** Oh, I see.

**Mr. Drea:** I don't care what you do on your own property. If you have a car that shouldn't be there blocking your driveway, fine, you have procedures to get it out of there. The only thing I object to is that the private firm gets enormous strength and enormous profit when a police force says okay, you write the tickets and we'll make them good. And this has come up as you know. But you are going to look at that too eh?

**Hon. Mr. Kerr:** No, in circumstances like that I don't think a private security guard should be in a position to issue public tickets that require that person to appear in court or answer an offence that would be in the public domain.

**Mr. Chairman:** Mrs. Campbell?

**Mrs. Campbell:** Yes, I just have one or two comments. Is it possible, if you are bringing in this type of legislation—which I take it you can do—insofar as the employer of this person is concerned, is it possible that you could have some discussion with the Minister of Labour, Mr. Chairman, because I assume, perhaps wrongly, that you could not bring in legislation to preclude the owner of a business from employing persons to do this sort of thing? Would that come under the Ministry of Labour, or is it something that you yourself could do?

One of the problems that I face with this sort of an operation, and particularly the very heinous information and allegations contained in the whole discussions of the Artistic strike, is that we are dealing with them in a compartmentalized sort of way. Was there any investigation by your ministry of the activities of this person and, in conjunction with the Attorney General, (Mr. Welch) the way in which this person faced charges?

I am talking about the fact it would appear, certainly it is alleged, that the Crown attorney in this case had instructions to proceed with the utmost efficiency—I am not sure just what the word was. In fact, he used police evidence in cases against the pickets but when it came to bringing that evidence against this particular person, he felt the evidence would not be valid or would perhaps be open to question because of circumstances under which a police officer left the force. If that were so, why in the world was it not the same treatment in the cases against the pickets? The whole question is one which, in my opinion, cries out for investigation and yet we have had no real statements from either the Attorney General or, with respect, from your ministry about this situation and no statement that you are prepared to see that it is duly and properly investigated.

While we are on this subject—and I am trying to keep to this particular aspect of the police commission—I am also concerned as to the use of electronic devices other than wiretapping—or the possibility of their use—by people engaged in this field. I believe I mentioned last year that I had occasion to be at Metro Police headquarters to see some of the devices which struck me as even more frightening, almost, than wiretapping itself. I am wondering what, if anything, is being done in the surveillance of these other types of devices?

I am really very much concerned, too, that originally, as I understand it, the government employed the services of one of these agencies for this building. And then, according to my advice, somehow took some of the people from that particular business and engaged them itself. Could I know the status of the people we have here now in uniform? I understand many of them have training as security guards and have had some sort of quick, perhaps instant, training through the OPP but I would like to be very much aware of what their status is in this building. Those are some of the questions I have on this matter.

**Mr. Chairman:** Do you care to respond to that, Mr. Minister?

**Hon. Mr. Kerr:** Yes, to deal with your last remarks first, Mrs. Campbell, some of these people were employed here before.

**Mrs. Campbell:** That's right.

**Hon. Mr. Kerr:** When the government set up this new security force these people were retrained by the OPP.

**Mrs. Campbell:** How much training do they have?

**Hon. Mr. Kerr:** About five weeks. Is that right?

**Mrs. Campbell:** Or was it three?

**Hon. Mr. Kerr:** Three weeks.

**Mrs. Campbell:** Yes, that's what I thought, three weeks.

**Hon. Mr. Kerr:** Three weeks training; I think, really, if you look at them generally they seem to be a fine body of men.

**Mrs. Campbell:** It's just that it rather contravenes—I have nothing to say against them.

**Hon. Mr. Kerr:** No.

**Mrs. Campbell:** I have had no occasion to be opposed to them but the minister is saying he is looking into the question of a uniform and here are people who are in a uniform very close to that of the OPP, and who have powers. What are their powers specifically, if I may ask that question?

**Hon. Mr. Kerr:** Yes. I think one thing that is a little different between this force and the average private security force is that these people are continuously under the supervision of the OPP. You will note that there are always a few OPP officers around who are—

**Mrs. Campbell:** I'm sorry; I haven't distinguished them.

**Hon. Mr. Kerr:** Look at their shoulder flashes to distinguish them.

**Mrs. Campbell:** Yes, I have to look more closely at them.

**Hon. Mr. Kerr:** This may be some reason why the uniforms are the same. This is not, you might say, a security force like any other.

**Mrs. Campbell:** I just question the government saying that they are going to look into the whole question of uniforms and then coming forth with a security force whose uniforms are not that different. What are their powers?

**Hon. Mr. Kerr:** Their main power and role is to maintain peace and order within the buildings; to answer questions; to give information as to the building—where certain offices are; to, I suppose, ask anybody who is acting in an improper manner the reason for it—and they have the power to eject that person. The same goes of course for inside

the chamber itself. If there is any disturbance there from the head of a municipality or what have you—

**Mrs. Campbell:** Or even the opposition.

**Hon. Mr. Kerr:** —that person can be ejected. They are sworn in as special constables. As I say, they have a little more power and certainly more supervision than the average private agency would have.

**Mrs. Campbell:** Would they be closer to, for example, the university police than they would be to the private security agency?

**Hon. Mr. Kerr:** I would say along the same lines as university police—except that university police really don't have any day-to-day supervision—but I would think their powers would be generally the same. There are only a few who are empowered to carry sidearms and those are people who are involved in the transfer of substantial sums of money and that happens usually, as you know, around the Macdonald Block.

**Mrs. Campbell:** I thought they were all kept in the vault.

**Mr. Renwick:** The member for Downsview wonders sotto voce who looks after peace and order—

**Mrs. Campbell:** And good government.

**Mr. Chairman:** Excuse me, Mr. Wardle, you had a question?

**Mr. Renwick:** I just want to finish my tribute to my colleague. The member for Downsview wondered if they looked after peace and order and we look after the good government.

**Hon. Mr. Kerr:** Oh, the other people in blue.

**Mr. Wardle:** The big blue people.

**Mr. V. M. Singer (Downsview):** The big blue machine.

**Mrs. Campbell:** Could I have an answer to the other parts of my question?

**Hon. Mr. Kerr:** The other parts, Mrs. Campbell, were with regard to the role of the Solicitor General—when there was some concern and charges were being laid—it is my information that my predecessor discussed the role of the police on the picket line. The police themselves assured the Solicitor General that the police were well trained in this type of work, in crowd control.

**Mrs. Campbell:** Especially, would you say?

**Hon. Mr. Kerr:** I think you will have to agree that there was some provocation on that picket line. Even Madeleine Parent said that there were people there who shouldn't have been there. I am sure you saw the—

**Mr. Renwick:** What was that?

**Hon. Mr. Kerr:** Even Madeleine Parent, who didn't like the idea of the police being there, as you know—

**Mr. Renwick:** Oh, I see.

**Mrs. Campbell:** I don't think it was that she didn't like the idea—

**Mr. Singer:** Who was Madeleine Parent? Can you—

**Hon. Mr. Kerr:** She is the head of the union to which the Artistic Woodwork workers belonged and were organized by.

**Mr. Drea:** I thought everyone knew Madeleine Parent.

**Mr. Renwick:** Only those of us who have been around a while.

**An hon. member:** Oh, we know that.

**Mr. Drea:** I guess the member for Downsview hasn't been around.

**Mr. Singer:** I guess not.

**Mrs. Campbell:** Perhaps you may even agree with her on that one, but it wasn't that she disagreed with having police, was it? It was what they call the special squad that she was concerned about. They had no trouble, apparently, when they had the police from that precinct. It's an interesting observation. When we come to police training, I suppose, or some place, it would be interesting to know how you train people specifically for labour disputes.

**Mr. Chairman:** Have you completed your answer, Mr. Minister?

**Hon. Mr. Kerr:** Pretty well, yes.

**Mr. Chairman:** Mr. Renwick, any further questions?

**Mr. Renwick:** I've got—Mr. Wardle, did you say?

**Mr. Chairman:** Mr. Wardle has declined.

**Mr. Wardle:** My question was answered.

**Mr. Renwick:** I have a couple of matters, and if this is not the appropriate place, or if

it was dealt with by my colleague last week, then please be sure to interrupt me, and I'll take it on advisement.

I'd like to engage the minister just briefly in a couple of aspects of this task force report to see whether or not we are somewhat in agreement. My problem with the report is that although the rhetoric is kind of unimpeachable in present-day terms, it lends itself to a certain amount of fuzziness in the conception of where we are with the police forces, and particularly in the relationship of the police forces to the legal process, and the results of the legal process and the relationship of the legal process to community and other services which may be available. It bothers me. And I want to take a minute to set the context in which I think about the police on the record. I did it on another occasion, but it allows me to centralize what I say and deal with the three aspects which are of concern.

**Mr. Chairman:** Is that in the task force report, Mr. Renwick?

**Mr. Renwick:** Yes, this has to do with—

**Mr. Chairman:** I may say—

**Mr. Renwick:** No, it's not in the task force report.

**Mr. Chairman:** I was going to say that your comrade, Mr. Lawlor, has dealt with that rhetoric already, so I presume you'll be doing the same.

**Mr. Renwick:** I am going to substitute—

**Hon. Mr. Kerr:** He also mentioned that there was violent disagreement between them.

**Mrs. Campbell:** Come on. I don't think he said violent, in fairness to them.

**Mr. Singer:** So anything on rhetoric is out of order.

**Mr. Chairman:** So would you proceed, then, with the substance?

**Mr. Renwick:** I think the committee is aware that there are minor dramatic differences between my colleague and myself on some matters. But I set out my conception of the police in eight paragraphs some time ago in the assembly—far back as three or four years ago now. And I shall put them on the record, because then I shall have three specific matters to deal with. I want the minister and his advisers to engage in a little discussion with me.

The propositions that I have put are as follows:

1. The history of the police is the history of the office of constable, notwithstanding that present-day police forces are the creation of statute and that police have numerous statutory powers and duties. In essence a police force is neither more nor less than a number of individual constables whose status derives from the common law organized in the interest of efficiency.

2. A member of a police force of whatever rank, when carrying out his duties as a constable, acts as an officer of the Crown and a public servant.

3. His powers, whether conferred by common law or statute, or exercised by him by virtue of his office, and unless he is acting in execution of a warrant lawfully issued, can only be exercised on his own responsibility; it follows, for example, that a chief constable or other member of a police force is not in law responsible by virtue of his superior rank for the actions of a member holding a subordinate rank.

4. A police constable as an individual holding that office exercises his discretion in the absence of the actual process of executing a lawfully issued warrant, acts in his own discretion, and there is no one, whether he is a sergeant, inspector, chief constable, or member of a board of police commissioners, who can instruct a police officer in the exercise of that discretion. He must accept the individual responsibility for the way in which he exercises that discretion.

5. The relationship of the police authority and the individual member of the force is not that of employer and employee. For example, the police authority is not liable for a wrongful act committed by a member of the police force in the exercise of his duties.

6. The chief of police, in the normal structure of a police force, is but the executive head of that particular body of men.

7. The duties of the police authority and the duties of the chief of police are simply those of providing for the conditions of the force and providing whatever supervisory powers must be exercised over that force.

8. The organized police force is simply superimposed on the office of constable.

Now, I am not suggesting for a moment that there isn't inherent in the report some recognition of that conception, but I have always found those particular eight statements to be a most helpful delineation of the role of the police constable.

And my three areas of concern—and I want to deal with them one at a time—are the imposition on the police forces of a structure which corresponds to a substantial degree to the corporation structure, and the resulting tendency or impetus which that gives to destroying the conception of the office of constable from the point of view of the day-to-day operations of the police. I'm not suggesting for a moment that the courts would not rely on a statement of the role police of the constable similar to that which I have enunciated. But in the day-to-day operation of the police force we tend to be getting a very hierarchically structured organization, which has gone beyond the needs of efficiency to becoming something more than that—namely, a self-perpetuating corporate organization which can be deleterious to the community if it is not subject to some form of surveillance.

To support that, I simply point out that more and more persons are being removed from the bargaining unit of the police forces across the province. We had it before when the—I think—deputy chiefs were eliminated, and I believe now the inspectors have been eliminated. And you are establishing a management-employee relationship in the police forces, which because of its day-to-day impact on what the police forces are doing, will far outweigh what perhaps any individual court case may hold with respect to the role of the police officer. I would like the minister to address himself to the question of the fragmentation of the police force by the introduction of numerous grades in a hierarchy of supervisory personnel.

The second aspect of it which bothers me considerably is that the events of the late 1960s and the early 1970s called forth in the Metropolitan Toronto police force this highly-organized body of persons dignified by the term of those responsible for crowd control. Even though there are very few incidents in Metropolitan Toronto at the present time which require that, nevertheless, that force has become institutionalized and is equipped and is conducted and acts in public in ways which are reminiscent of a military operation.

I don't think that there was any question whatsoever that the demonstration of the Ontario Science Centre could not be subsumed simply on a failure of communication between the various portions of the police force. But the fact of the matter is that it was a military operation.

I shudder when I find that the same force—and I believe it's the same man and it's no

criticism of him; he has a job to do—Insp. Magahay's operation present at the Ontario Science Centre in a situation of tension in the community, is the same force which then appears at a place like the Artistic Woodwork plant in a strike which was, at least in my judgement, anything but lawful during the greater course of the time that it was in operation. That body exists in the Metropolitan Toronto police; it's not in any way an ad hoc body. And it is a military operation and I am very concerned about the way in which that kind of military operation can become part of a police force, and still be reconciled with anything like the traditional role of the police as I tried to enunciate it and which is reflected in this report.

The third area which concerns me very much is dealt with at some length by the report, but still leaves me with a sense of fuzziness. This is the way in which a police officer, in an urban society such as we have in the major cities of the province and in Metropolitan Toronto in particular, makes up his mind when he is going to exercise his discretion with respect to the roles that he is to perform, even if they are limited to the three areas emphasized in this report, namely, crime control, protection of property and crime assault, or whatever the particular third role was.

The report clearly recognizes the problem—that it is the sworn duty of all police officers to maintain, enforce and uphold the law. This requirement in the statutory powers granted to him are what distinguish him from his fellow citizens. No judicial recognition has been given to the proposition that a police constable has the authority not to invoke the law where the elements of an offence may be proven.

On the other hand, police administrators have recognized responsibilities in defining systematic discretion patterns, as it is they who must allocate available manpower and resources to a broad spectrum of competing needs.

Well, the report goes on at some length to deal with that particular distinction. But the problem, as I see it, is that the exercise of discretion by the police constable circulating within the community appears to me to be dictated by the police administrators who make the selections as to what is and what is not to be dealt with immediately by a charge, whether there is to be a warning in particular instances and on a second occasion, whether the matter is then to be proceeded with.

The example which comes to mind is that it appears there must be a standing order out somewhere in Metropolitan Toronto that if there is a contact between two motor vehicles, a charge must be laid. I don't know necessarily what charge is laid. The graduation of charge is also affected.

I know of an instance, for example, where there was a relatively serious intersectional collision and the charge laid was proceeding through a red light, which bore no relationship to the nature of the offence. I am not criticizing any particular instance of that decision being made. But what the police are about in the city of Toronto seems to me to be dictated by the upper echelons of the police force.

I would like the minister to address himself to how the selective decisions are made with respect to the way in which a police officer exercises the discretion, and to how we avoid the charge of favouritism or lack of objectivity in the way in which that discretion is exercised.

**Mr. Chairman:** Mr. Minister.

**Hon. Mr. Kerr:** Well, Mr. Chairman, the task force, as the hon. member well knows, dealt with this whole business of structure and did have some suggestions as to changing the sort of paramilitary concept of our police forces or its corporate structure. But there is a very formal structure that has existed within the police forces, particularly the Metropolitan Toronto police force.

I don't think the task force indicated that that was all bad, but they felt that there should be changes, that there should be more discretion in the individual police officer. This, of course, was tied into the whole question of education, the type of applications, the type of training that a police officer or police cadet should have so that he would be in a position to make more discretionary decisions, so there could be a weakening of the paramilitary type of structure. I think the task force, based on the premise that the police are the public and the public are the police and the original idea of the constable, felt the time has come now to give back to the individual police officer some of the traditional responsibility of the original constable.

Again, the idea of whether or not there should be that type of surveillance, that type of control, that type of day-to-day, shall we say, marching orders, that have been the practice in some forces depending of course, on the police officers' duties. Again, the task force questions whether this hierarchical type

of structure and organization is necessary, based on the hon. member's concept that the modern organized police force has, you could say, been superimposed on the constable, that the constable really was and is the important cog in a police organization, and therefore do we need the type of structured administration that has developed down through the years?

As I say, I am not authority enough to know whether this is all bad. I suppose situations change; you have a very large police force in a large city, combating elements which to some extent are quite sophisticated, they are organized; the whole idea of mobility, technology, communication, this all is part of it. I am sure this is why there has been this trend. In other words, you are only efficient if you have this great corporate structure.

The hon. member talked about the changes in ranks. I don't think the idea of that was to fragment the police forces. There was a reduction from about 16 ranks to 9 ranks. It was something all the parties agreed on, including the police association. There seems to be some difference of opinion that has developed, particularly as far as detectives are concerned.

**Mr. Singer:** Mr. Brown didn't seem overly enthused.

**Hon. Mr. Kerr:** Well, my information is that the police association—and I assume that was Mr. Brown—agreed to the proposal. It says here "a unanimous proposal from representatives of the three associations and the Ontario Police Commission"—the Association of Municipal Police, the Ontario Association of Chiefs of Police, the Police Association of Ontario, the Ontario Police Commission.

**Mr. Singer:** Certainly the media comments attributed to Mr. Brown did not seem to indicate a grievance at the time he was giving those interviews.

**Hon. Mr. Kerr:** I think they were zoned in mainly on the idea of detectives—doing away with the rank of detective and, I think, calling sergeants just sergeants. That was the main reason. This was done in Hamilton without any real controversy developing.

**Mr. Chairman:** I am wondering, Mr. Minister, before we get off on that track, whether you have completed your response?

**Hon. Mr. Kerr:** No, I just want to say that although that seems to be, in the hon.

member's mind, part of the trend toward institutionalizing our police forces, the reduction of ranks may be an example of that; I think that is what the member was saying. In other words, the highly specialized units the member was talking about would, I suppose, or could be, aided by the change in the rank setup.

**Mr. Renwick:** May I just comment on that so we make certain what we are talking about? Strangely enough, I believe the reduction in ranks created a greater sense of distance between the levels of the police forces. That is the point I am trying to make. The larger the number of graduations the smaller the sense of distance between any one of them; that is the second law of thermodynamics.

**Hon. Mr. Kerr:** Yes, I can see that.

**Mr. Renwick:** And the converse is true.

**Hon. Mr. Kerr:** This business of streamlining, so-called efficiency, it is like regional government. It is supposed to be an improvement but at the same time it does become a little more impersonal. You may even say it is a little more away from people.

Anyway, the other point the member raised is the question of special forces, institutionalized like a military operation. Again, I suppose in a way—and this may be a commentary on the training generally of police forces—they are very versatile and are able to be involved, for example, in traffic supervision and enforcement at one time and then be involved in the protection of property or crime control and solution. In some areas, particularly our capital cities or in a city as large as Toronto where there have been some problems as far as demonstrations and crowd control are concerned it seems natural that maybe the force would set up as special force.

I don't think that special force should be so highly institutionalized or separated from the remaining part of the force that it overreacts in certain situations. My information is the reason we have these special forces is because it takes a particular type of training on the whole idea of crowd control; knowing when to act and when not to act; how to be sensitive to a situation which you know is really harmless; when the crowd is really orderly in spite of the so-called shouting that may be going on; when the type of people involved in that demonstration is not the type when the police have to ride in on horseback; knowing the type of force necessary to properly control

that crowd and let it carry on its demonstration without any interference with or injury to other people.

This again is something the task force dwelt on quite a bit—the type of training we need, not only in our police college but on-the-job training; To be able to analyse a situation like this.

I don't know whether there's a feeling that the officer who spends a great deal of time in a cruiser or on special assignments that do not involve him in this type of special work, such as crowd control—really, on the beat type of duties—is properly trained to do this type of work.

As I say, I think that I like to think positively. In other words, that by having forces who are properly trained—and not improperly trained but properly trained—to deal with demonstrations, that there will be less criticism and fewer incidents. That is the import behind some of the recommendations of the task force.

However, as the hon. member says, they acted like a military operation and, of course, there was criticism. But I would hope that with proper training, and in knowing what the demonstration is about and why, there would be fewer incidents, less criticism and even fewer charges laid.

The other point the hon. member mentioned is the whole question of the discretion of a police officer. Again, this was dealt with quite extensively in the task force report. As I mentioned some time before, because of legislation such as the bail reform Act there is more obligation now on behalf of our police officers, particularly in Metropolitan centres and larger centres, to be able to exercise some discretion.

Again, with proper experience and the proper type of training—versatile, broad training—whether it's in the area of psychology, the humanities or in a lot of areas, I think that the police officer will be able to be given more discretion and more responsibility in exercising his discretion.

At the present time, when a charge is laid, I think there's a great deal of difference from community to community. The practice is different, for example, in Tillsonburg as compared with Toronto. But my information is that depending upon the seriousness of the offence, whether there's an arrest or just a summons, a JP or a staff sergeant can handle most of these charges.

One of the things that may be subject to some criticism is the fact that we're advocating more discretion on the part of the police

officer in the future. At the same time, there may be more likelihood of charges of favouritism in examples of that kind.

In other words, if the police officer, knowing the situation and being trained to analyse a situation—for example, at an intersection and the question of the green, yellow or red light—there may be fewer charges laid, assuming that there isn't any personal injury or property damage. There may be fewer charges laid for going through a yellow light, for example, under certain circumstances. In other words, there may be more discretion exercised by that police officer.

I don't think it is necessary for the police officer to go to the top. I don't think the police administration is involved in most charges. The Crown attorney is involved in serious criminal charges, of course, but I think you will find that the local JP or staff sergeant in most cases after discussing the offence with the police officer is able to decide on what charge if any is to be laid.

I don't feel because of the number of charges, and they are not decreasing to any extent, that it would be difficult for a smooth, efficiently operating hierarchy, as you explained, to work if the top was involved in the laying of most charges by a police officer. I think that the trend will be the opposite. I think that you will find on the advice, on the suggestion, or on the recommendation of the police officer in many cases, the staff sergeant or the JP will pretty well follow this recommendation and issue charges.

Again, it is tied in with the whole area of the task force report dealing with education, proper training, less of the structured or military type of training and more involvement with people. Again, this is the whole area of the isolation of police officers, particularly during their early years, where they lose touch with the community and therefore lose this great ability to be discriminative or discreet or to analyse situations.

**Mr. Renwick:** Mr. Chairman, if I may just respond, I want to make it clear that I don't pretend that I know what the hell the answers to the problems are that are raised in the report. I think that they state many of the obvious things that a lot of people have been saying over the course of time and indeed, which have been said from time to time in the assembly over the years. There isn't anything really new in it. I think it is most helpful to have the thoughts and views expressed in the report written in the way this report is written. I am not concerned about that. I get the impression, rightly or wrongly,

that they are asking for something to take place which will not, in fact, take place without very effective legislative direction, ministerial direction and Ontario Police Commission direction, transmitted through the ministry.

I am not saying that in any invidious sense at all. I am simply saying that the growing pressure in the larger area which is on the police forces with respect to the job which they are expected to do is not going to allow any very substantial redirection of the thinking of those forces about this kind of fundamental matter which appears to me to be fundamental.

**Hon. Mr. Kerr:** They will take time. I think that you will find that the lower ranks now, who still have some exposure to different training methods, in refresher courses, for example, or by way of symposiums—

**Mr. Renwick:** Police forces, like any body, respond to circumstances in which they are conducting their operations. The Metropolitan Toronto police have responded. They have a deputy chief who is the PR man to deal with the public. That was the response. I am not saying whether it is right or wrong. There is no question whatsoever, if you have a complaint you don't talk to the chief of police, you talk to Deputy Chief Ackroyd. His job is to maintain good public relations for the Metropolitan Toronto police. Now, like any institution, they respond to the pressures under which they operate. That does not amount to a redirection.

**Hon. Mr. Kerr:** No.

**Mr. Renwick:** The redirection seems to me to be important. I worry about it because it is trite in the city of Toronto, probably I trust less trite than it was, or less meaningful than it was, a few years ago, to say what happened south of Bloor St. and the Danforth was different to what happened north of Bloor St. and the Danforth so far as the police were concerned.

I don't think there is any question. Even from my limited experience I can document instances of something called "petty tyranny" exercised in a very indirect way by police in the southern part of the city, as distinct from the northern part of the city.

Again, I'm not drawing any invidious comparisons. I'm simply saying that when you start to talk about individual police constables exercising individual discretion, the time and the place and the circumstances will determine the way in which it is exercised. It takes a fundamental redirection to indicate to the

police officer that objectivity and even-handedness in the way in which he deals are criteria, rather than the criteria of where he happens to be exercising the authority and what are the circumstances that he is exercising.

Somehow or other I get the impression that having gone through all of this dissertation about the question of police discretion, the report then says:

Yet we stress that the power of judgement in the hands of the individual officer is an important aspect of the police role. Barring exhaustive study we can see little advantage and many dangers in systematic attempts to codify criteria for the exercise of that judgement.

We favour emphasis on the training and education of officers and in the processes of supervision within forces which address themselves directly to issues of judgement and which prepare each officer to exercise the power and judgement wisely.

I think that is excellent, liberal rhetoric; very difficult to translate into specific terms. It goes on to say:

We think it important that each force strive to define a broad framework to guide the exercise of the judgement.

I guess I finish up where I started by saying the report seems to me to be very fuzzy when it comes right down to what you are to do.

Now, I found when I first got involved with looking at the actual statutes governing the police that the Police Act had wide regulatory powers. Then I found that for practical purposes no regulations were passed. When I asked your predecessor about this matter, of course, his answer was, "Well, the task force will look into this kind of question."

Somehow or other, despite the problems which are involved, you are going to have to provide real ministerial guidance and direction through, presumably through the police commission, to all of the police forces with respect to the way in which they implement what all of us recognize are necessary problems within the police forces.

I want to make two other points. I think that you are going to have to have—apart altogether from the philosophy of police and the historic record—you are going to have to deal with the question of the call to the domestic household. You are going to have very clear rules, known not only to the police but the public, about what the lines of demarcation are, what the circumstances are, the way in which the police may act in those circumstances and how it can be done.

Hon. Mr. Kerr: Whether she is armed or not.

Mr. Renwick: In any circumstances, what are the rights of the police and what are the rights of the persons inside the building when the call comes through to the police that so-and-so is being beaten up, or so-and-so is pounding at the door, or so-and-so is causing immense difficulty in the particular home? In my area where we do have some of that happen, less than in the upper middle class areas of the city of course, but on Friday nights and Saturdays and over the weekend. I think the police try very hard, but there doesn't appear to be any sort of guidance to them, internally or through the police commission and so on.

And I was very interested in John Hogarth, who has interested himself in this field and is now out in British Columbia, but was once at Osgoode Hall and conducted that particular experiment in East York where research shows 60 per cent of the crimes of violence occur within the family, and 80 per cent between people who know each other. And he makes that sort of obvious point. I don't know whether the statistics are right, by my guess is they're not far off. I think the police would be immensely assisted and I think the public would be immensely assisted if that particular area of police activity, certainly in an area such as the riding of Riverdale, could be isolated as a specific topic of study, to come up with some kind of rule.

Now, I know one can't always get hold of his particular local politician, but where a man or a woman has come to me because there's immense tension in the domestic situation, whatever the reasons may be, and that you know runs the whole gamut, I will call the police division if I have a real sense of apprehension about it, and ask them if they do get a call to please go. They thereby have some foreknowledge of it and can start to make their assessment before they're called, on what the report refers to as the incident-oriented call, to go to such-and-such a place without any real indication of what is happening except probably for some cryptic code that is used for communication purposes. Again, I'm not suggesting that I know what the procedure should be, but I think it's most important that we look into that area.

Another aspect of it is that the police, when they go someplace and they see that somebody has been injured and it's difficult to find out what to do about it, can then say, "Go to room No. 6 at the old City Hall

tomorrow morning or Monday morning and lay the charge." Of course, when they get down there it's very difficult to get the process working. That is extremely important to my mind, and the exercise of individual discretion seems to me to be equally important.

Now my comment about the special force that Insp. Magahay commands in Metropolitan Toronto, is that the kind of force which is used for crowd control—in the sense of the demonstrations which took place arising out of the Vietnam war or arising out of the incident at the Ontario Science Centre—is in my judgement distinguishable from control of industrial disputes. There are different factors involved; there are different rights involved; there are different interests; there are different problems; there's no immediate threat to the peace of the general public as there might be where large crowds of citizens congregate in central parts of the city over some particularly emotional issue.

I suggest that in consultation with the labour movement and with representatives of management that the government in some way overcome this tension which has occurred, and will occur again unless there's clear thought about what the procedures are, what the mutual rights and responsibilities are, so that management can be told that you don't drive the vehicle through the gates at a particular speed to cause apprehension or fear on the picket line, and correlatively the pickets must be told that they can't block the entrance to those plants as the law presently stands. But for a good part of it, the government, by specific study of those circumstances in institutions, can come up with the kind of reasonable rules, which if known to the police and to the public who participate in the pickets or members of the management staff who want to go in and out, will gain general public acceptance. It's that kind of attitude which I think would perhaps gradually do away with, over a period of time, what came through to me as a sort of a basic kind of haziness when you really got down to what was to be accomplished.

I finish my remarks by saying that that kind of thing can only be done by ministerial direction, presumably through and with the help, assistance and guidance of the Ontario Police Commission.

**Mr. Chairman:** Any further questions or comments on item 1?

**Mrs. Campbell:** Yes, I have some.

**Mr. Singer:** Yes, indeed.

**Mr. Chairman:** Mr. Singer—

**Hon. Mr. Kerr:** I just wanted to make one answer—

**Mr. Singer:** I have a whole series of items here—

**Mr. Chairman:** Excuse me. The minister has one comment to make.

**Hon. Mr. Kerr:** I have just one comment on the question of domestic disputes. I think I should put on the record that we have a pilot project under way at the present time in London for the purpose of exploring ways of improving the ability of the police to resolve family disputes and other disturbances of a non-criminal nature. It involves training all officers of that force in the handling of family crises and the establishing of small civilian teams who work closely with the police and other social agencies. In Burlington also there is a study—well, that's a little different.

**Mr. Chairman:** Mr. Singer.

**Mr. Singer:** All right, the first point I want to deal with is the question of handling complaints.

I notice that on page 31 of the task force report they say this:

Where a citizen feels that the power of the police has been abused, he needs a credible avenue through which he can lodge a complaint.

Most Ontario forces maintain a formal system of investigation internally. We have no evidence that these procedures are anything but unbiased and fair. Yet we are aware of a significant body of public opinion which is sceptical and which does not believe that a police investigation of police misconduct can be impartial.

We have examined alternative ways of dealing with complaints, including external complaint review or appeal boards. We have concluded that improvements in the current approach are most appropriate to Ontario. Such improvements lie in the establishment of a clear and visibly impartial procedure for complaints in those forces which currently do not have them. Equally important, we feel that these procedures be made known to every citizen who may have a concern with his treatment by police forces.

So much for the rhetoric, as Mr. Renwick would say. And the rhetoric isn't bad there. But the recommendations that result from the rhetoric are something less than consistent. Mr. Minister, there has been a spate of news-

paper articles in recent days concerning alleged abuses by police officers against suspects or persons in custody.

I do not believe—well, perhaps even before I get to that part, I note that in your opening remarks you suggested that an internal complaint bureau was going to be set up within the Ontario Provincial Police, and you let it go at that.

**Hon. Mr. Kerr:** Well, it's in existence now.

**Mr. Singer:** All right, it's in existence now. I do not believe that internal investigation by police of police, particularly of their colleagues on the same force, does in fact give to the public a credible avenue through which they can lodge complaints. I can speak from my own experience and can tell you that when I have had clients who are faced with such charges as assaulting a police officer, I have had the greatest difficulty in sifting through the allegations put forward by my clients and the counter-allegations put forward by the police. I have had quite a few of those and I have never yet been able to satisfy myself that there has been a clear and impartial and objective review of that kind of concern.

I am sure every lawyer who deals with these matters in the criminal courts has been forced into a series of compromises when faced with this kind of a series of allegations and counter-allegations. The ability to gather appropriate evidence that either proves or supports the client's story or proves or supports the police story, is very, very difficult indeed. I think Clayton Ruby has recently been quoted at some length and he does a lot more criminal work than most lawyers in the Toronto area. He was reported at some length in the media recently as complaining about this.

I am really not satisfied that the recommendations that follow from the rhetoric that I just read make sense. The recommendations in essence suggest that there be internal examination of complaints against forces, that the investigations be by the forces who are complained about. What are they?

The governing authority of each police force establish a defined procedure for dealing with complaints against police officers.

Who are the governing forces, the local police commission?

That is a very interesting thing because as I observed, the conduct of the Metropolitan Toronto Police Commission and the conduct of the Metropolitan Toronto police force—I

don't want to be disrespectful to the Metropolitan Toronto Police Commission. Over a number of years I have emerged with the conclusion that they are an interesting body, who hold meetings and occasionally discuss matters of important public interest, who who by and large are ignored by the Metropolitan Toronto police force. Their establishment of a system of complaint procedures, which are going to really change something that the Metropolitan Toronto police force has decided they don't want changed, are pretty well blowing against the wind.

The Metropolitan Toronto Police Commission doesn't really have the ability to come to grips with this kind of a problem. When you translate that through the other forces, you will recognize that over many many years within the province—not under the present commissioner of the Ontario Provincial Police, at least I haven't detected it yet, and certainly under his predecessor, who was a good commissioner—the ability of the Ontario Police Commission to interfere with the running of the Ontario Provincial police force was nil, even in such matters as purchasing uniforms or many of the other things. Eric Silk ran that force; he ran it well; but he wasn't taking directions from anybody, including the Ontario Police Commission. The same thing translates itself through the other forces.

His Honour Judge Bick is a fine man who has given good public service; but I don't think that Chief Adamson pays a great deal of attention to the admonitions that might be directed to his force by Judge Bick and by his colleagues on that police commission.

It isn't too long ago that I read about an inquiry the Metro police commission was attempting to make into the use of listening devices. As I read the newspaper stories, I gathered that the Metro police force told the Metro police commission that really that was privileged information and all they had to do was to make sure that the Metro force got their budget and the Metro force was going to look after that sort of matter privately and quietly as they saw fit.

Translating that into the complaint procedure, as I say, I am not prepared to accept the recommendations that these investigations be done internally because I am not satisfied that the appearance of a credible avenue through which complaints can be lodged is given.

I am not certain the answer is a civilian review board; that causes great consternation to everyone. What I do believe is there should be a system whereby if a person feels

himself aggrieved by police procedures he doesn't have to take his complaints to the very body against whom he is complaining, albeit there appears to be some kind of a separation. It does not give the appearance of impartiality. It would seem to me that if the minister is serious about establishing a complaints procedure which is credible there should be some definite alternative to the investigation of these complaints by some outside body which is not —

**Hon. Mr. Kerr:** An ombudsman?

**Mr. Singer:** An ombudsman perhaps; a police ombudsman. Or a body — and I am going to have some comments about the usefulness of the police commission after a bit — a body perhaps as removed from the day-to-day running of individual forces as the Ontario Police Commission is; a body which has the power to hold formal hearings, which has investigative powers and which is not tied up in the day-to-day running of the individual force against which the complaints are being made.

Let me pause at that point and see if I can elicit any comments from the minister. I will carry on after that.

**Hon. Mr. Kerr:** Dealing with the recommendations of the task force, I think the task force did agree with you up to a point.

**Mr. Singer:** In the rhetoric but not in the recommendations.

**Hon. Mr. Kerr:** Yes. I think it is important because of the very nature of the role and duty of a police officer, because he has to enforce the law and because there are a lot of people who are not prepared to abide by the law. In various circumstances, from day to day and for various reasons, a confrontation develops. There is antagonism, to say the least, and if force of some kind has to be used, it is, I suppose, understandable that from time to time a lot of people feel that too much force, under the circumstances, has been used.

We mustn't forget that police officers are human and they can only stand so much provocation and sometimes, I suppose, under very extreme circumstances they overreact. I still like the idea that at least at first a complaint by a person so involved with a police officer can be made to that police officer's superior; it can be made to the chief. There is at some point as recommended here, a face-to-face encounter between the police officer and the accuser.

If at that stage the person allegedly aggrieved is still not satisfied, of course, the complaint can go, as the member knows, to a board of commissioners or to a police commission. Assuming the chief himself doesn't lay some type of charge or there isn't some disciplinary action against that police officer — if he doesn't feel such actions are warranted — again the complaint goes to a commission. It can go to the OPC.

If the person who is alleging misconduct of some kind on the part of the police officer is not satisfied, the OPC has the power under the Police Act to hold a public hearing under the Public Inquiries Act. At this point where there is a hearing, the person who is aggrieved may have counsel and representation there. I think under these circumstances that hearing can be fair and impartial. I don't know if under those circumstances there is the conflict that the hon. member suggests. It is not at this stage internal. It is outside of the force. Then as the hon. member knows there is always a civil suit available to a complainant. The police officer is subject to penalties under the Criminal Code if they are warranted.

When you think of the whole broad spectrum of police activity in this province and the relatively few incidents where complaints against police have not been settled at the chief level, I wonder if it is necessary to establish some type of completely external authority to deal with situations like that, when we have the present mechanism that I have indicated.

**Mr. Singer:** I don't think the minister has got my point at all. He used the word "settled." The word "settled" implies to me or should imply that there has been some reasonable solution of the problem.

**Hon. Mr. Kerr:** That's right.

**Mr. Singer:** What settling now means is that eventually the griever has given up because he hasn't been able to get the evidence. It is a form of settlement because the griever eventually goes away. He comes to the conclusion, often on legal advice, that there is no point in batting his head against a brick wall any longer. The evidence isn't available and no one is going to help him to dig out the evidence. The kind of settlement that you are talking about is thoroughly unsatisfactory and it is the sort of thing that we have been complaining about.

The minister misreads my comments completely. In the remarks that he made at the

beginning, he said one must recognize that the police officers have to be able to use appropriate force in certain circumstances. With that I agree completely. But the complaints relate to the use of improper force or the allegations of the use of improper force and then the ability of the griever or those who represent him to try to ascertain what the real facts are. One has to emerge, unfortunately, with the conclusion that on many, many occasions that evidence is not being made available by those people who have the ability to dig it out, that their pursuit of the evidence is something less than eager and that the ability to follow the thing further on is very, very limited.

**Hon. Mr. Kerr:** Let us say that you had a police ombudsman or even a civilian review board. At some point they or that person would have to rely on some investigatory body to get the information and the evidence of which the griever is complaining.

**Mr. Singer:** That's right—which is apparently impartial. Let me talk about an incident with which I am familiar. In a pub in my riding one evening, a bunch of young men became involved in some kind of a fist fight outside the pub. The police arrived. They arrested seven or eight or 10 youngsters. They were all charged with assaulting police and drunkenness and on and on and on. There were counter-charges of police assault on these people. I was retained by a number of them and I investigated as far as I was able to. I came to the conclusion that, at least in one instance, one of the people charged had, in fact, been assaulted by the police.

I pursued through the Metropolitan Toronto police their complaint procedures, and really got no information at all. I was asked to identify the individual policeman who supposedly beat up this young man. I have no idea who it was and neither did he, because if somebody is attacking you, you don't say "Just hold on while I get your badge number."

**Mrs. Campbell:** He probably didn't have it on.

**Mr. Singer:** In any event, when we came to court, fascinatingly, it was suggested that if we withdraw our complaints the police would be quite happy to withdraw the charge. Discretion being the better part of valour, we made a deal—which I didn't like, but I was backed into a corner. I was backed into a corner because I knew I didn't have the

evidence. And I don't think this was fair or proper or equitable.

Now this happens and it happens more than on the odd occasion.

**Hon. Mr. Kerr:** I wonder how you get the evidence before some other unbiased separate body—

**Mr. Singer:** Well, someone who has the power to go in and say to the Metropolitan police force: "Who was on duty on that occasion? Who went on such and such a call? How many people were there? Which officers were involved?" And they would find out which officers took arrested man A to the station, arrested man B, arrested man C—inspection line-ups and so on. That sort of thing. But I just didn't emerge with the feeling that this was done in an impartial way.

When we got to that point—and there were seven young men ready to walk in before the provincial judge, all charged with assaulting police. If you got a grumpy judge that morning, 16, 17, 18-year-old boys could have been sent off to jail as a lesson to the community. It's a pretty frightening thing. And then somebody comes up and says: "Well, let's forget about the whole thing; we will withdraw our charges if you will withdraw your complaints."

I was unhappy to be faced with that situation, and I had great qualms. I did accept it, because I couldn't run the risk of letting those young fellows go to jail.

This is what bothers me very seriously. And I emerge, unfortunately, with the impression that the investigation is not an impartial one, and does not give the appearance of being impartial.

Again, looking back to the rhetoric set out in the report, I think that they have given all of the right basic arguments or premises, but they come to the wrong conclusion. When the minister tells about abilities to carry these inquiries on, like going from the force to the local police commission, I would be very surprised that the police commission ever overrules the force.

By going from the local police commission to the Ontario Police Commission for a full public hearing, perhaps you could tell me, I am not aware of any hearing held by the Ontario Police Commission into this kind of an allegation in recent years—have there been any?

**Mr. Bell:** You will recall the Whitby allegations if that is what you are referring to. There was an investigation carried on by one

of the advisers of the commission who took sworn evidence, and so on.

**Mr. Singer:** Yes, but was there a full hearing before the commission?

**Mr. Bell:** There wasn't a public hearing.

**Mr. Singer:** No, no. So what the minister says about full hearings before the commission is really illusory. And then the ability to go into court and to sue for false arrest, or assault, or in a civil action—again, you are back to square one, but you haven't got the evidence.

I think the time has come—we have got a good police force in Metropolitan Toronto; I think an outstanding police force. Their record of successfully following up on criminal events is outstanding. And most of the members of that force are good policemen. But there is the odd occasion where—well, the chief will admit; I have talked with him. There are bad apples that crop up in a force of that size, and even in smaller forces. But when one of them is challenged, the force sort of closes around him. And, if there is dirty linen to be washed, it is not washed in public, it is washed in private. Now I am asking the minister if he has anything more in mind than the very pallid recommendations that the task force puts forward or than he has enunciated in the last few minutes?

**Hon. Mr. Kerr:** Before I do that, I would just like to read you some information that might be of interest. It was rather surprising to me that in 1973, the number of officers charged under the Criminal Code for misconduct was 185; for assault, 153; and for negligence, 23. Charged under the Police Act were 55 officers. And then it says, "Charges"—and I would assume other ranks and non-commissioned officers—85; found guilty, 38; found not guilty, six; withdrawn for lack of evidence, three; and pending trial, eight. Then there is the complaints bureau, which wasn't all that busy—inspectors, six, staff and sergeants, one, policewomen, one, clerk, one.

**Mr. Singer:** What are you reading from.

**Hon. Mr. Kerr:** This is information from the Metropolitan Toronto police force.

**Mr. Singer:** Could I see that please?

**Hon. Mr. Kerr:** Now dealing with the other, I think that whether or not I agree with the hon. member, there should be a—

**Mr. Singer:** Let's deal with this sheet just for a moment. The first heading is, "Officers charged under the Criminal Code, 1973"—

misconduct, 185; assault, 153; negligence, 23. Do you have the companion figures about convictions?

**Mr. Bell:** No.

**Mr. Singer:** So the number of charges really is meaningless unless you can see how many convictions there were.

**Hon. Mr. Kerr:** Well, I think the fact that there are that many charges says something. There are convictions in one list there, certainly under the Police Act.

**Mr. Singer:** Yes, charges under the Police Act, and these are private trials, in camera. These are police disciplinary—

**Hon. Mr. Kerr:** The sheet is incomplete, I will admit that.

**Mr. Singer:** All right. Then it is really no argument at all to say how many people are charged.

**Hon. Mr. Kerr:** I don't know. The fact that a charge has been laid under the code and the matter is before the courts I think is rather interesting.

**Mr. Singer:** Yes, it is very, very interesting. If you are determined enough and you go before a justice of the peace, eventually he will accept that kind of information and there is a charge laid. But I don't think it is meaningful at all when you give us that kind of information when you don't show how many convictions there have been.

**Hon. Mr. Kerr:** Well, it should have the number of convictions there, but the point is that I think in your preliminary remarks there was a sort of strong implication that charges are never laid, it is difficult to gather evidence—

**Mr. Singer:** Well, it is. I am sure that if the companion figures which should be a part of that statistical summary were present, that the incidence of convictions would be very, very small. I would like to see the companion figures. It would show the number of convictions there have been. How many of those complaints were brought at the instigation of the police and how many of the complaints were brought at the initiation of a private complaint?

The problem in these things, and I come back to what I said at the beginning, is the gathering of evidence. It is no answer to say that there is a lot of evidence that has been gathered because somebody laid a complaint. There was one featured in the paper the

other day, about a case where two policemen were charged with assault by a private complainant. It has been adjourned nine times.

**Hon. Mr. Kerr:** I am more prepared to blame the counsel on that than I am—

**Mr. Singer:** I don't know who is to blame, except that this is not the kind of thing that I think should go on.

**Hon. Mr. Kerr:** Well, let's get back to your point.

**Mr. J. E. Bullbrook (Sarnia):** Will Mr. Singer please repeat his point?

**Mr. Chairman:** I didn't think you weren't being heard, Mr. Singer.

**Mr. Singer:** Mr. Bullbrook has a little difficulty hearing me sometimes.

**Mr. Bullbrook:** Oh no. It is for the record. It is for posterity, not for me!

**Hon. Mr. Kerr:** All that I am saying, Mr. Chairman, is that I agree with the recommendations of the task force. I understand that the hon. member doesn't feel that they go far enough, but there isn't a definite procedure, or certainly it isn't known at the present time that there is a definite procedure. A great deal of it is ad hoc, starting out with the interview and discussions with the police officer concerned, and this type of thing. Maybe this is a successful procedure. I don't know.

But in any event, I think that there must be a defined procedure in dealing with complaints against police officers. I agree that it should be as impartial as it can be, and that the complainant knows his or her rights, and what the results are of an investigation, and that the investigation is an impartial one.

I can't see why the Ontario Police Commission can't fill that role, particularly if we amend legislation enlarging our police commissions. There could be two members of the local council, for example, and two citizen members. In the event that there was a five-person police commission, I think that a procedure could be set up utilizing the provisions of the Public Inquiries Act, if necessary, whereby a person—a complainant—could have a fair hearing.

**Mr. Singer:** You can't make a big incident out of every wild young man who alleges—

**Hon. Mr. Kerr:** Right.

**Mr. Singer:** —he has been beaten up, and you can't have a public inquiry. But surely

there should be some sort of basic guarantee, which I say is not there now, so that when someone has grounds to complain, there can be an impartial investigation and an impartial report made available. I think Mr. Bell's comment was most appropriate, where he talked about the ability to appeal to the Ontario Police Commission. Mr. Bell came up with one incident. This was the incident in Whitby in which an investigator was sent in and an affidavit was produced. The commission was not being used as an appeal body at all.

**Hon. Mr. Kerr:** No, that's right.

**Mr. Singer:** All right. That does not mean that there are not incidents, many of them taking place in Ontario, where people feel aggrieved.

**Hon. Mr. Kerr:** I don't think most people are aware of what procedures they can follow or what steps they can take.

**Mr. Singer:** I just can't imagine the young guy picked up on a Saturday night, and who might have been roughed up a bit, beating his way through to the Ontario Police Commission to investigate whether Const. Jones backed him into a corner and gave him a few good sharp ones into the stomach.

I just can't believe that he is going to behave in this way. What will happen, and I tell you what has happened and what does happen, is that when the situation gets particularly rough, the young fellow gets up on a charge of assault to the police, and if he has a complaint a saw-off is made. I say that that is wrong, and it creates disrespect for our law enforcement people and there should be an alternative.

The very reason that we have a Ministry of the Solicitor General is that some years ago in this Legislature many of us began to complain of the conflict between the people who look after the police, and the people who look after Crown attorneys and judges in the running of the courts. Eventually it was accepted by Mr. Wishart that there should be that kind of a separation to remove the appearance of conflict. What I am suggesting now is that there should be some kind of a complaint procedure that removes the appearance of conflict, even supposing I am all wrong. The appearance of conflict should be removed and the kind of recommendations made in the rhetoric part accepted, and not the specific recommendations that are written in black type. I have several other points to make, but I think Mrs. Campbell would like to—

**Mr. Chairman:** I would remind you, Mr. Singer, before we come back to you, that I know the point you are making now was raised by you earlier under vote 1501, item 1, main office and general comments on that. We were also dealing with the task force on policing under that vote, and we were given a great deal of latitude. So I hope we don't—

**Mr. Singer:** Oh no, I wouldn't be repetitive at all.

**Mr. Chairman:** —repeat what has been said before.

**Mr. Singer:** Perish the thought!

**Mr. Chairman:** Well, then, Mrs. Campbell, you had something on the Ontario Police Commission.

**Mrs. Campbell:** I just wanted to add something with reference to what my colleague has said. Mr. Renwick dealt with a matter which was of great concern to me some time ago; that was the difficulty of identifying police officers in the course of their duties.

We had occasion to meet with the then deputy chief to try to overcome some of these very problems, where you have uniformed police officers who for reasons best known to themselves do not wear any identification on occasion. There was certainly concern by the present chief, but there are still a great many of these circumstances. And when you try to get a complaint forward—and I have had occasion to watch some of these things on behalf of citizens, both at the city and in the province—you have to have all the information before you can get to first base. It is most difficult to get any kind of information from anybody, particularly about those who either don't use or for some reason are not wearing identification. It is not just a matter of assault cases. You have—

**Mr. Chairman:** Mrs. Campbell, I hate to interrupt, but are we talking about uniformed policemen?

**Mrs. Campbell:** Well, I am talking about exactly what my colleague has been talking about.

**Mr. Chairman:** The reason I raise that is that under vote 1505 we are dealing with—

**Mrs. Campbell:** Very well, I will raise that. And when do I raise the Francks case, here or later?

**Mr. Chairman:** I don't wish to put you off, but there is a specific item, No. 7, on law enforcement, uniform, and item 8, law en-

forcement, civilian, under vote 1505. I thought that might be a more appropriate time to raise the question of uniforms.

**Mrs. Campbell:** Well, I will say this: I was dealing with the very difficulty of making a complaint if the officer is anonymous.

**Mr. Chairman:** To the commission?

**Mrs. Campbell:** Yes.

**Hon. Mr. Kerr:** I can have Harold Graham, the commissioner of the OPP, answer that question—

**Mrs. Campbell:** I am not talking about uniformed police.

**Hon. Mr. Kerr:** —of police badges, uniform, proper dress and that type of thing.

**Mrs. Campbell:** That isn't what I was dealing with.

**Mr. Chairman:** Well, I don't think we want to go into that now, with respect, Mr. Minister. I don't want to contradict you either—

**Hon. Mr. Kerr:** He's in the wrong party!

**Mr. Chairman:** —but I think that Mrs. Campbell perhaps, has a problem that doesn't touch on—

**Mrs. Campbell:** Indeed, I am beginning to feel that every time I open my mouth everybody else can talk on the subject and I have to wait for some other vote. However, if you wish that, I shall do it.

**Mr. Singer:** Where were you trying to direct your question, Mrs. Campbell? Which vote?

**Mrs. Campbell:** Uniformed police.

**Mr. Singer:** Where's that?

**Mr. Chairman:** Under vote 1505, if it relates to law enforcement, uniform, or law enforcement, civilian. But I gather Mrs. Campbell has a different problem, and I am most sympathetic with Mrs. Campbell.

**Mr. Singer:** Vote 1505 is Ontario Provincial Police.

**Mr. Chairman:** That's right.

**Mr. Singer:** So you can't really confine her to that, because she is not complaining about Ontario Provincial Police; she is complaining about local police forces. I think she is under the right vote.

**Mrs. Campbell:** I am complaining about one thing—at least, I am not really complaining; I am trying to clarify one of the problems in trying to go through complaint procedures.

**Mr. Chairman:** All right then, maybe—

**Hon. Mr. Kerr:** Commissioner Graham.

**Mr. Chairman:** —Commissioner Graham could answer your problems or questions.

**Mr. H. H. Graham** (Commissioner, Ontario Provincial Police): Well, as far as the OPP is concerned, we do not wear badges on our uniforms, and I am not aware of any case where we have been called into question because one of our men has not been identified. That is the reason we don't have that rule, or directive or policy.

**Hon. Mr. Kerr:** Mr. Bell, did you want to make any comments as far as the municipal forces are concerned?

**Mrs. Campbell:** Where's Chief Adamson?

**Mr. Bell:** I don't think you can say there is uniformity in the practice across the province on that.

**Mr. Chairman:** Are there further questions on item 1, Ontario Police Commission?

**An hon. member:** Carried.

**Mr. Singer:** Oh, no. Not carried at all.

**Mr. Chairman:** Mr. Singer, you have a further comment?

**Mr. Singer:** Yes. I would like to hear from Mr. Bell about the present status of the security branch. Several years ago, there was a series of events that hardly brought great kudos to the functioning of the security branch of the Ontario Police Commission.

I gather many of the people who were responsible, have gone on their way. One gentleman was loaned to another force—the RCMP—wasn't he? Is he still there?

**Mr. Bell:** No, he went to the Law Reform Commission.

**Mr. Singer:** He went to the Law Reform Commission? It is probably a good place for him. A couple of others left the employ of the Ontario Police Commission.

**Mr. Bell:** I am not aware.

**Mr. Singer:** I gather one young man who accompanied the gentleman who went to the Law Reform Commission in his little exer-

cises in the United States, was discharged—or his contract was not renewed; is that the phrase?

**Hon. Mr. Kerr:** It expired.

**Mr. Singer:** Yes, it expired. So he has gone.

**Mrs. Campbell:** And it was not renewed.

**Mr. Singer:** Could you tell us about the present functioning of the security branch of the Ontario Police Commission? Who makes it up; what sort of things do they do; what liaison do you have; and that sort of thing?

**Hon. Mr. Kerr:** You mean the CISO?

**Mr. Singer:** Yes, the so-called security branch of the Ontario Police Commission.

**Mr. Bell:** You are speaking of the intelligence branch?

**Mr. Singer:** All right, your intelligence branch.

**Mr. Bell:** All right, the intelligence branch at the present time consists of—did you ask me for the names?

**Mr. Singer:** I don't care whether or not you give me the names; all right, give us the names.

**Mr. Bell:** If you will just hold the fort here a minute; with a little prompting maybe I can get them.

The head of the department is Walter Lee, chief intelligence officer; Roy George in charge of joint force operations; Mr. Skelton and Mr. Beacock are analysts; there are two file reviewers who are girls—I can't give you their names—Mrs. Roe and Mrs. White; and two secretaries—Elaine Hill and—

**Mr. Singer:** I am not concerned about—

**Mr. Bell:** I am sure you are not—Mr. Bob Ford, of course, is the librarian.

**Mr. Singer:** All right, what do they do?

**Mr. Bell:** Their duty is the compiling of the information which is received from CISO—which is, we might say, the union of municipalities—which they collate. It is criminal intelligence and they disseminate it to the proper forces—I won't say on the basis of need; that is hardly accurate—but it is for the purpose of maintaining book on the criminal figures in the province and criminal organizations.

**Mr. Singer:** Do they embark on any investigative procedures of their own any more?

**Mr. Bell:** No.

**Mr. Singer:** They don't? The kind of difficulties which ensued a few years ago could no longer take place?

**Mr. Bell:** Let's say we liaise with all the other forces across the province, including the RCMP, of course. But we are not an investigative body.

**Mr. Singer:** I was wondering about the extent to which firm direction has been given so that the kind of incidents which took place a few years ago—I don't want to detail them again—

**Mr. Bell:** I would hope to avoid that embarrassment.

**Mr. Singer:** —all right—could never take place in the future.

**Mr. Bell:** Let's say that under the present composition of the commission, I would be sure it wouldn't happen.

**Mr. Singer:** All right. Can you tell me about the relationship of the Ontario Provincial Police with the Ontario Police Commission? Is it the same as or different from the relationship of the commission with other forces?

**Mr. Bell:** It's quite different. The Police Act, of course, has only one small paragraph relating to the position of the OPP and the Ontario Police Commission. I think, for all intents and purposes, you might say they operate as a separate and independent force apart from disciplinary procedures. In disciplinary procedures there is an appeal by an accused officer to the commission, in the same way as any other force. Apart from that, we don't attempt to direct them though we do attempt to provide co-operative service relating it to the other municipal forces.

**Mr. Singer:** The kind of provision or suggestions made to the other forces; do you make those to the OPP or does the OPP function on its own?

**Mr. Bell:** I would say that the force of any directives that we might issue would be of less importance to the OPP than to the other forces, of course.

**Mr. Singer:** That's a happy phrase, Mr. Bell, "less important." All right, what about the concern that you have with local police

commissions? Are you concerned at all with their meetings, their powers, their pension, the local chief's pay to them? Is that any of your concern?

**Mr. Bell:** It surely is of concern. We have a feeling that we have a lot of work to do in this direction. Actually there are occasions when we feel there is a certain grey area there that hasn't been too well defined and that probably it will always be that way. But our concern is such that we are organizing seminars for this year to try and bring some improvement in the performance of police commissions.

**Mr. Singer:** What attitude do you have, if any, when the police chief tells the police commission that it is really a matter of internal operation—the extent of listening devices that are purchased or used or the number of incidents? Would you intermingle in that kind of a situation?

**Mr. Bell:** Right now I would hate to intermingle in that kind of situation because of the Invasion of Privacy Act. This apparently gives certain authority to the police, but it doesn't mention boards of commissioners of police. It would appear that the thrust of that Act would be such that the boards of commissioners of police wouldn't have too much intervention.

**Mr. Singer:** Well, we get to that point, we get to the board of commissioners—

**Mr. Bell:** Let me say this. There is one way in which they could. Of course, all these things cost money and the boards of police commissioners of course control the purse.

**Mr. Singer:** Yes, up to a point. There were a few incidents. There was one last year, I think, where an award was made under the Police Arbitration Act, and there was refusal by the council to implement the award. It was down in eastern Ontario—

**Mr. Bell:** I am only aware of three or four occasions last year in which there were appeals to us under the Police Act from the disallowance of the estimates of the board of police commissioners. We are obliged to rule on them.

**Mr. Singer:** Wasn't there a council in the last year or two that really didn't care what the arbitration board was or what the rulings were—which said, "We just haven't got the money in the budget; we're not going to raise our taxes to pay for it?"

**Mr. Bell:** I don't think that was last year. I'll stand corrected but I don't know.

**Mr. Singer:** It may have been two years ago. Renfrew, was it? Somewhere in the Ottawa Valley.

**Mr. Bell:** Before my time, I assure you.

**Mr. Singer:** Maybe Mr. T. J. Graham will remember?

**Judge T. J. Graham** (Ontario Police Commissioner): It was Pembroke, about four years ago.

**Mr. Singer:** Was it that long ago? We haven't had any incidents like that recently?

**Judge T. J. Graham:** We've had similar incidents. Sudbury was one last year, where the regional council challenged the board on the number of persons they had asked to increase their force by. That was appealed to our commission.

**Mr. Singer:** And what was the eventual resolution?

**Judge T. J. Graham:** That the regional council were correct. We had a six-month study of the Sudbury force and it indicated that the 213 men presently on staff would be the complement of their force. There was a reorganization recommended for Sudbury which they accepted and put into effect and in this way saved manpower.

**Mr. Singer:** Could you tell me the extent, if any, to which you issue directions or regulations about the control of Mace? That was quite an issue a few years ago. The London police force, it seems to me, refused to accept the suggestion of the Attorney General for the use of listening devices. Do you concern yourself at all with that kind of source reporting about it? Or the use of firearms and the reporting in regard to that? I think the Metro police force require formal written reports every time a firearm is discharged. Is that uniform throughout Ontario? Is it mandatory?

**Mr. Bell:** Yes, I think, if I can answer your question; Ontario regulation 679 has an order made under the police equipment which deals with firearms and the nature of the reports that have to be made. It also covers Mace, because subject to subsection (2):

No member of a police force shall use any gas or chemical weapon. The use of the substance commonly known as tear gas is permitted provided it is not applied

intentionally in concentrated form directly to the person.

Those are regulations which have been in force since, I guess, 1970.

**Mr. Singer:** Yes. Well, the Mace controversy loomed rather large a few years ago. And at one stage the responsible minister said he really had no power to control it. But are those the Ontario Police Commission's regulations?

**Mr. Bell:** As a matter of fact, they are. Yes, those were made—there's a thin line maybe between what the Ontario Police Commission can regulate and what must be done by order in council. This happens to fall within the powers of the Ontario Police Commission.

Mind you, the Solicitor General must approve.

**Mr. Singer:** Well, supposing you were challenged in that? At that time, I recall the chief of police of London said he was going to use anything he thought appropriate. Does that regulation give you power to control him?

**Mr. Bell:** Let's say that there is no provision in the Act whereby we could enforce our rulings, save and except inquiry under 56(1) of the Act, which would have publicity effect, but it hasn't got real teeth in it.

**Mr. Singer:** Should there be an amendment to the Act that would give some enforcement powers to the police commission, or to the minister, or to somebody else?

**Mr. Bell:** Well, you are asking me for—

**Hon. Mr. Kerr:** You have to consider it at a local—

**Mr. Singer:** Why don't we ask the minister?

**Hon. Mr. Kerr:** I was just thinking, you would have to consider the local commission, wouldn't you? Now, whether or not that direction would go to the local commission, then to the police force, or directly, is I suppose a question depending on the type of direction you were thinking of.

For example, if the police commission under the Police Act suggested that a police force is not adequate and that a municipality is not discharging its responsibility for the maintenance of law and order, you could deal directly with that force, I would think. You might not in practice, but I realize you haven't got the power now to, say, add 10 more men. All you can do is determine.

**Mr. Bell:** That's right. We can make a determination.

**Hon. Mr. Kerr:** So I think it is silly to have it hanging in the air. I think probably you should have the power to make an order.

**Mr. Bell:** Our persuasiveness, if I do say so myself, far outweighs our actual powers.

**Mr. Singer:** Well, let me pursue what may not be too hypothetical. If you get a recalcitrant police chief, as the one in London, who made it quite clear that he wasn't that concerned with what the Attorney General said about the use of Mace. If he thought it appropriate, he was going to use it. The regulation now—I don't even know if we still have the same chief of police in London right now.

**Mr. Bell:** I don't think so.

**Mr. Singer:** But supposing the same one was still there and if the occasion arose where he felt he was going to use it, is there anything that could be done by either you people or by the minister to say, "You've done something wrong and we are going to discipline you?"

**Mr. Bell:** I would think that the disciplining in the first instance should come from his board of commissioners of police, which is charged with the responsibility for policing. I would think also, and you might correct me here, that any citizen can bring an injunction or procedures in the courts to enforce it.

**Mr. Singer:** An injunction application after the event wouldn't be very much use.

**Mr. Bell:** All right, mandatory order. I used a bad word. But, as far as we are concerned at the present time, there is no statutory authority whereby we could directly discipline him.

**Mr. Singer:** Do you, to any extent, collate statistics in relation to the kind of regulations which exist regarding such things as the number of incidents in the use of firearms, the number of incidents in the use of chemicals, or listening devices particularly? Have we any idea, in Ontario, at this level, as to how many occasions listening devices have been used, say, in the last 12-month period, and the occasions for their use?

**Mr. Bell:** Now you are speaking of surveillance. No, I would say we haven't, and I don't think we ever had except reports issued by the boards of commissioners of

police. But, that becomes something that is irrelevant at the present time, because under the new Act, they will all have to be collated and reports made by whoever acts as Attorney General. It's a federal Act, and they will all be publicly available at the end of the year.

**Mr. Singer:** Has that Act been given royal assent as yet?

**Mr. Bell:** It will come into force on July 1.

**Mr. Singer:** July 1. And there is a reporting system then?

**Mr. Bell:** That is right. The Attorney General's department is mainly responsible for it.

**Mr. Singer:** All right. Now, let's deal for a bit with this \$851,000 for services. Can you tell me how that is made up?

**Hon. Mr. Kerr:** Yes, have you got a CPIC?

**Mr. Singer:** Pardon?

**Hon. Mr. Kerr:** Canadian Police Information Centre—CPIC—is \$449,000. This involves about 60 terminals for this programme around the province.

**Mr. Singer:** Sixty terminals? What does that mean?

**Hon. Mr. Kerr:** This is the information centre, the communications centre.

**Mr. Bell:** I think you are familiar with the Canadian Police Information Centre at Ottawa. Well across the province we have been in the process of extending the service by putting in terminals, that is, places which are able to report into the system and which receive reports out. There are something in the nature of 60 to go in this year, and there is, as you note, an increase of \$178,500 over last year, and this will result in the final disposition of this item.

I am sorry. That also includes 50 per cent of trunk line costs to CPIC.

**Mr. Singer:** So that \$449,000 is by way of capital

**Mr. Bell:** It is mainly capital and it is mainly non-repetitive.

**Judge T. J. Graham:** I am sorry to interrupt here. The federal government and the provincial government have an agreement whereby they share the costs of the trunk lines, and it is an annual cost that will be repetitive. Then, on top of that, of course, we have an increase this year because of

the new terminals that will be installed in that.

**Mr. Singer:** The 60 new terminals Mr. Bell was talking about?

**Judge T J. Graham:** The 60 new terminals; it is our share of the trunk lines for Ontario plus our share of the cost of the new terminals. That's what it is.

**Mr. Singer:** How much of the \$449,000 is capital and how much is going to be repetitive?

**Mr. Bell:** I think I can give you approximate figures on that. I think it is around \$30,000 or \$36,000 something like that.

**Mr. Singer:** That is capital?

**Mr. Bell:** No, non-capital.

**Mr. Singer:** And \$400,000-odd is capital and should not be repeated next year?

**Mr. Bell:** That's right.

**Mr. Singer:** That's \$449,000 of the existing amount; how much is left?

**Mr. Bell:** The next item is a joint forces operation programme. Last year the cost of that was \$100,000; this year it is \$150,000, an increase of \$50,000. The increase is occasioned by the increase in the intelligence services in the new regions. There will be an extension of the number of JFO programmes we will conduct. At the present time there are, I think, about seven joint force operations going on and these will be increased in the new regions.

As you know the Ontario government contributes to these organizations.

**Mr. Singer:** What additional items are there?

**Mr. Bell:** The next item is the development of guidelines, police practices versus the public. There is an item in there of \$50,000. This is an experimental project which hasn't been set up and which may be expected to be in relation to similar projects in Calgary, Vancouver North and Vancouver. It involves an experiment in an innovative approach to policing; in other words, getting policemen out of the cars and establishing local initiatives and local programmes. It is new; it is recommended by the report in ECON. 3.8 at page 126. This is one programme which we feel is worthwhile.

**Mr. Singer:** How would you plan to proceed with that programme?

**Mr. Bell:** In the first place we are obtaining information from those who have used it. That's our first move. The next move is to find a city which is prepared to do it with some urging and some assistance from us and some technical help. We will put a staff member on to this—

**Mr. Singer:** An OPC staff member?

**Mr. Bell:** Yes, an OPC staff member, and use some supporting service to try to run it for a year or so, to see if it gets the results we hope for. If so, the purpose is to expand it in other directions.

**Mr. Singer:** I think it is a worthwhile exercise. I am not sure, though, how you are going to spend money. You are going to take an OPC staff member; you are going to try to convince a force of a municipality to embark upon this.

**Mr. Bell:** That's right.

**Mr. Singer:** If they agree, off it goes, but what are you going to use the \$50,000 for?

**Mr. Bell:** I would think we will—

**Mr. Singer:** You are using the facilities of the force and you are using one of your own staff members.

**Mr. Bell:** I suspect that because our complement is not that great we will probably have to have seconded personnel whom we will have to pay. I can't tell you now exactly how that will work out but that's our best estimate.

**Mr. Singer:** Do you have in mind the retention of outside assistance—university professors or management consultants or anybody?

**Mr. Bell:** I am not so sure about that because when you talk about management consultants and outside people like the Centre of Criminology, I am not sure they have the expertise in this line. I think we are going to have to work mainly on the expertise we are going to have to gather empirically from forces which have used it. I think that's our main approach.

**Mr. Singer:** I think the inquiry is worthwhile but I wonder about the expenditure of \$50,000 because as you have outlined it you are apparently discarding outside advice, except maybe one or two staff people. I am not clear yet as to why you need the \$50,000.

**Mr. Bell:** I'm afraid when one enters into a new project like this you're talking about a person probably with a salary of \$25,000. If you require two, or one less, you pretty well use this up without supporting services.

**Mr. Singer:** Okay, that's the third one.

**Mr. Bell:** No, the next one is a demonstration project. This is—

**Mr. Singer:** How many dollars have you got there?

**Mr. Bell:** Fifty thousand dollars. This involves the use of management reporting systems and it's highly technical. It's digital reporting. It's something which hasn't been in use very much on the North American continent but is used in Britain. Its purpose is to reduce voice time on radio and actually reduce police personnel involved in a given area.

The best way I can explain it is that it's a push-button type of giving information allied to a computer. It happens that York have a computer which is available to us without cost and an experiment is being done on that before a lot of other regions which are clamouring to institute the same service

invest a lot of money in hardware. This will definitely involve the hiring of computer experts and \$50,000 is a minimum because we'd be paying that person somewhere in the \$30,000 range. We haven't, as yet, been able to recruit the technical personnel we need.

**Mr. Singer:** It is about 6 o'clock, Mr. Chairman.

**Hon. Mr. Kerr:** Do you want to finish the one or get to the total of that?

**Mr. Singer:** We haven't quite exhausted this figure yet.

**Mr. Bell:** I'm sure you haven't.

**Mr. Singer:** Perhaps we can pick that up tonight.

**Mr. Chairman:** You're not finished yet, Mr. Singer?

**Mr. Singer:** No, I'm interested in what Mr. Bell has to say.

**Mr. Chairman:** Then we will rise until 8 o'clock this evening.

It being 6 o'clock, p.m., the committee took recess.

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Ontario. Legislative Assembly

# Legislature of Ontario Debates

## ESTIMATES, MINISTRY OF THE SOLICITOR GENERAL

Standing Administration of Justice

Committee 57

Chairman: Mr. J. A. Taylor

OFFICIAL REPORT — DAILY EDITION

Fourth Session of the Twenty-Ninth Legislature

Monday, May 6, 1974

Evening Session

Speaker: Honourable Allan Edward Reuter

Clerk: Roderick Lewis, QC

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(Daily index of proceedings appears at back of this issue.)

# LEGISLATIVE ASSEMBLY OF ONTARIO

MONDAY, MAY 6, 1974

The committee resumed at 8 o'clock, p.m.

## ESTIMATES, MINISTRY OF THE SOLICITOR GENERAL (concluded)

On vote 1503:

**Mr. Chairman:** When we broke off, Mr. Singer was completing his questioning in regard to the services item, under item 1.

**Mr. V. M. Singer (Downsview):** Yes, Mr. Bell was explaining his figure of \$851,000 and we had come to—

**Mr. E. D. Bell (Chairman, Ontario Police Commission):** I think we had finished—

**Mr. Singer:** —about \$700,000 worth. You've got another \$150,000 left.

**Mr. Bell:** The next item is "Police Week."

**Mr. Singer:** "Police Week"?

**Mr. Bell:** Week.

**Mr. Singer:** Seven days?

**Mr. Bell:** Seven days.

**Mr. Singer:** For how much?

**Mr. Bell:** Twenty thousand dollars.

**Mrs. M. Campbell (St. George):** At how much a day?

**Mr. Singer:** And what do we do with the \$20,000 "Police Week"?

**Mr. Bell:** Well, we promote "Police Week" by issuing little buttons, police kits, radio tapes and bumper stickers. We assist all of the police forces with their operations on "Police Week." That's where it goes.

**Mr. Singer:** I'm not really familiar with that. How does that work? I haven't seen it here in Metro?

**Mr. Bell:** Well, maybe you saw last year's buttons, "Cops are tops." Unfortunately our contribution last year was very small. But they hold meetings, displays and drills; it's a method whereby they are trying to create an empathy between the public and the

police. The operation goes on province-wide; most towns have a special event on at least one occasion during the week. They work with kids on bicycles, for instance; everybody has a little different show, but that's the deal. Our promotional effort is \$20,000; I think we will spend most of it.

**Mr. Singer:** Yes. How do you do that? Through a PR agency?

**Mr. Bell:** Well, there is a PR agency assisting us this year, but a better part of it is through our own efforts.

**Mr. Singer:** Which PR agency have you hired?

**Mr. Bell:** PRSL.

**Mr. Singer:** And who are they?

**Mr. Bell:** Public Relations Services Ltd. They are on University Ave.

**Mr. Singer:** Who are the principals of that?

**Mr. Bell:** Oh, I couldn't tell you. Can anybody help me?

**Judge T. J. Graham (Member, Ontario Police Commission):** Mr. Ed Mahoney is one of them. He used to be in the press gallery—

**Mr. Singer:** Yes, I remember Ed Mahoney.

**Mr. Bell:** And beyond Ed, there is a chap by the name of Kilgore, who is looking after this.

**Mr. Singer:** Mr. Mahoney does some work for the Conservative Party of Ontario?

**Judge T. J. Graham:** Not that I know of.

**Mr. Singer:** Not that you know of.

**Mr. E. M. Havrot (Timiskaming):** Non-political.

**Judge T. J. Graham:** I've never known him to. He may have, but I've never heard of it being done. He worked for the Star. I wouldn't suspect that—

**Mr. Bell:** Very pure, Vern.

**Judge T. J. Graham:** Very pure, yes.

**Mr. Singer:** No, I think he worked for the Tely.

**Mr. Chairman:** Are you satisfied on that question, Mr. Singer? I sense political overtones.

**Mr. Singer:** Well yes. Possibly.

**Mr. R. F. Ruston (Essex-Kent):** It's a political forum; so what's new?

**Mr. Singer:** How much of the \$20,000 is going to this public relations organization?

**Mr. Bell:** Well actually none of it.

**Mr. Singer:** None of it?

**Mr. Bell:** No. None of it actually is going to them because of the nature of the service. I said they assisted. Their assistance comes from the ministry, but not out of our funds. We require this whole \$20,000 beyond their end of it.

**Mr. Singer:** What do you do with your \$20,000 then?

**Mr. Bell:** As I say, we buy the hand-outs for the police forces generally. For instance, the 150,000 bumper stickers; 150,000 "We Need Our Cops" buttons; kits; radio clips of people like Joe Morgan and people—

**Hon. G. A. Kerr (Solicitor General):** Bob Hesketh, Jack Dennett—

**Mr. Singer:** A good Liberal.

**Mr. Bell:** In any event, I don't know the politics of these people, but I do know that a lot of them have volunteered their services, apart from the servicing we had to do, and I think the figure is reasonable.

**Mr. Singer:** For how many years has this gone on?

**Mr. Bell:** It's been going on for several years, but it hasn't been an effort in the sustained way that it is this year. Last year we made, we might say, our initial real contribution. It had been going on in the departments separately. We co-ordinated it and built it up.

**Mr. Singer:** Have you made any assessment of its value? Or is it possible to assess the value of it?

**Mr. Bell:** I know that it is valuable from what I've seen of it, but, as with any other promotion, I would be very wrong in trying to tell you just what its exact value is.

**Mr. Singer:** Okay. What about the rest of the money?

**Mr. Bell:** The next item is \$33,000. This is new and involves a contract with the University of Toronto. It relates to a force—what I call a task force—consisting of three seconded senior personnel—one from Metro Toronto, one from Hamilton and one from—where is the other one from?

**Judge T. J. Graham:** The OPP.

**Mr. Bell:** From the OPP; in addition to one of our senior advisers and supporting staff and two people from the criminology department. This relates, as I say, to the opening of the new police college in 1976. A new curriculum is required and an extended training programme to reach into wider levels; along with programmes for middle management and so forth.

Generally speaking, it's a complete study to enable us to get off on the right track when we reach that point. This is the contract which is required.

**Mr. Singer:** I'm sorry, that's the what?

**Mr. Bell:** This is the contract. Mrs. Campbell asked for a contract in the other case so I dug this one up in case—

**Mr. Singer:** That's the contract with whom?

**Mr. Bell:** With the University of Toronto for two criminologists, for roughly \$33,000.

**Mr. Singer:** I see. If I can divert for a moment, is it the intention, when you open this new college in 1976, that it will be a requirement for any policeman working in Ontario to go through the college in some way or other, or is it still going to be up to the local force to decide?

**Mr. Bell:** Yes, we hope all policemen will attend. I mean, it's government policy, and I assume that will be so, because up until now we haven't had the capacity. They wanted to take them in. Now we should have the capacity to take in sufficient people so that it can be made mandatory.

**Mr. Singer:** Okay, next?

**Mr. Bell:** The next one is \$99,000, which I think is the last one. It is made up of quite a number of little items, the larger of which is \$50,000. This is required for the contracting of three specialized people dealing with radio systems.

We have several studies going now, one of which is the OPP study in relation to their

radio systems to bring them up into a position where they can be compatible with the municipal systems, which are much higher on the band.

There is another study in motion now. It relates to making systems compatible within the municipal field. In other words, it is to bring everything into a relationship where you can have cross-communication to patch one into the other. We don't have all of the capabilities here that we require, so that is what that is for.

**Mr. Singer:** Are you not duplicating what the OPP is doing?

**Mr. Bell:** No, the OPP are contributing to this study in manpower, from their personnel; it is a pretty lengthy study. I doubt that it will be completed within the year.

**Mr. Singer:** Well, the general object of this one, as I understand, is to improve your radio communications across the province. Is there not interest from the people who supply the radio equipment? Sufficient interest for them to do that kind of study and prepare the facts and figures for you with the hope that you buy their product eventually?

**Mr. Bell:** I am sure they would be glad to, but we would get in a bind, I think, if we proceeded in that way.

**Mr. Singer:** Yes, you might. Okay.

**Mr. Bell:** The next is office machine rentals at \$6,000. This involves the purchase of radios and monitoring equipment required by our systems branch. It also deals with their radio systems, and maybe wider than that. Do you mind if I ask Mr. Lovlin?

**Mr. Singer:** No, please do.

**Mr. A. W. Lovlin** (Director, Systems Planning and Research Division, Ontario Police Commission): Yes Mr. Chairman, part of our radio programme involves working with the police force in trouble shooting problems they are having with other users of the radio spectrum, to find out and narrow in on what the problems might be. We rent equipment to monitor the radio spectrum, to narrow in on just what the problem is. Part of the funds are also for rental of equipment in other programmes or studies we have underway in the commission. This is just for keypunching equipment.

**Mr. Singer:** Doesn't the OPP do a fair bit of this monitoring? I have seen some of their machinery and it impressed me as quite elaborate. I am certainly far from being an

electronics engineer, but it looked most formidable.

**Mr. Lovlin:** This particular piece of equipment allows us to span the radio spectrum. It's test equipment and I don't think it would be of the type the OPP have in use.

**Mr. Singer:** I have seen equipment the OPP has. Apparently, as I understand it, it spans over four or five bands of the spectrum. I saw it in use when they were trying to locate a pick-up on a wire tap. It's a machine that stands about five feet high and is carried on a dolly. They have some trained men—

**Mr. Lovlin:** Yes, I suspect that is possibly debugging equipment, or equipment used to find bugs.

**Mr. Singer:** Well it is detecting equipment and it spans the bands. Is that the same thing you are talking about?

**Mr. Lovlin:** No, it is not at all. This is a piece of technical equipment that will measure the strength of a signal as opposed to just capturing the voice. It is much more sensitive.

**Mr. Singer:** Well would the OPP, which has quite an elaborate electronic set up, not do this for their own purposes? They have a province-wide network. Wouldn't they be anxious to keep their equipment up to par, and sort of do all this testing? I am wondering if there isn't a duplication in what they are doing and what you are doing.

**Mr. Lovlin:** It isn't the same equipment. Not really the same equipment.

**Mr. Singer:** Well all right; perhaps it isn't. But would they not be off into this concern as well?

**Mr. Lovlin:** I would think from quite a different perspective really. We are concerned with finding what is called intermodulation products in the spectrum which cause interference among systems. Now that we have all the police forces in one part of the radio band, this has become a very important job, just monitoring the systems and trying to find out where the systems interfere with one another. This is what this particular piece of equipment is for.

**Mr. Singer:** Forgive my ignorance in this, but it would seem to me that if the OPP had a machine up in Kapuskasing that has having difficulty getting through to North Bay, they would be concerned about the strength of the signal and that sort of thing and they would

be anxious to make it work. Why wouldn't it be really more of their responsibility than putting your people on it?

Mr. Lovlin: Our particular responsibility is to bring the radio systems of the OPP and the municipalities together. Now I plead ignorance to just what equipment the OPP has. The particular equipment we have enables us to go out to the municipalities where their systems are operating, where the OPP systems are operating and commercial systems are operating—because this is the biggest problem—and just find out which system is causing interference with the other; this sort of thing.

Mr. Singer: I presume this particular effort we are talking about was organized on your initiative?

Mr. Lovlin: Yes it was organized under the commission.

Mr. Singer: Yes, yes; but on your suggestion?

Mr. Lovlin: Yes, very much so. We're involved in a programme to bring all of the police forces into a discreet part of the radio spectrum. This is what the commission's programme is. We're concerned more specifically with the engineering of systems, whereas the OPP I would assume are concerned with the actual voice traffic over a system.

Mr. Singer: Did I understand you correctly when you said you weren't quite aware of what the OPP might be doing?

Mr. Lovlin: I am not aware of precisely what equipment they have.

Mr. Singer: Yes. Well, wouldn't it have been a logical starting point, before you ask for the expenditure, that you go in and see what the OPP was doing?

Mr. Lovlin: Well, we are renting this equipment. I know the OPP haven't been involved in this type of spectrum monitoring.

Mr. Singer: In essence, really, what I am concerned about is that there may be overlapping, and that before two separate arms of the provincial government go off and do monitoring or investigating or testing on radio equipment, that perhaps they should talk to each other and see what each group is doing.

Mr. Lovlin: Well we do have five members of the OPP communication staff working with us on this programme; they are working particularly on the OPP side of it to ensure that the development at the—

Mr. Singer: Well before this item went into the budget, did the OPP say this was a good idea or a bad idea?

Mr. Lovlin: The OPP had embarked on a study looking at their own communications requirements with a view to ensuring they were consistent with what was happening on the municipal side.

Mr. Singer: But you are in charge of this.

Mr. Lovlin: We are involved.

Mr. Singer: You personally are in charge.

Mr. Lovlin: I am responsible for the municipal programme. The OPP are responsible for their own programme, which is being conducted under the auspices of the commission. The members are assigned on a temporary basis to the commission.

Mr. Singer: Well we are only talking about \$6,000 and I guess in a budget of \$8.3 billion it isn't a great deal; but I just wonder if it might not be worthwhile if you took an afternoon off to go and see what the OPP really were doing.

Okay; what else have you got, Mr. Bell?

Mr. Bell: The next one is duplication; Xerox and so on. That is an \$8,000 item.

Mr. Singer: All right.

Mr. Bell: The next item is \$13,000, which is temporary help. In the past we have hired on a temporary basis. It's a little hard for me to delineate that.

Mr. Singer: Okay.

Mr. Bell: Catering; now this item needs explanation.

Mr. Singer: How much have we got for catering?

Mr. Bell: We hold 28 seminars—four in each zone—of all the municipal police chiefs in this province. We feed them one meal.

Mr. Singer: How many dollars for that?

Mr. Bell: It is \$10,000.

Mr. Singer: All right.

Mr. Bell: Now, there is repair equipment and maintenance of equipment—I've got two items here which are really the same thing—that's \$8,000. This concerns repairs of vehicles and equipment of all kinds, typewriters and so on. I was looking to see what was in it last year, but I don't have it. I think it's reasonable. We had a lot of

vehicles this year which probably were on the road a good deal of the time; most of our people are on the road at any given time.

Reporter fees of \$1,000 relates to certain types of trials where we have to engage reportorial services. Last year we only spent about \$600. But if we have two hearings out of town, it's going to cost us \$1,000. That's about all.

**Mr. Singer:** Yes. All right. That's all I wanted to know on that item. If somebody else wants some information I am finished.

**Mr. Chairman:** Further questions from any of the members? Mrs. Campbell.

**Mrs. Campbell:** First of all, I wonder if anyone could tell me whether there has been any investigation as to upgrading or moving into a more sophisticated use of Metro's traffic computer for pinpointing incidents of crime within the city? I've asked that question before, and the previous minister got down to telling me something about computers.

I'd like to hear about this use. I understand it's being applied quite extensively in some parts of the United States. I wondered if there is any thrust from the OPP or the commission to investigate a more sophisticated use of that piece of equipment on a larger scale perhaps.

**Mr. Chairman:** Could we have a comment on that?

**Hon. Mr. Kerr:** You say, Mrs. Campbell, that it involves traffic?

**Mrs. Campbell:** Yes, it's a traffic computer, but it's not used solely for traffic purposes. When we were taking a course at IBM—I was with the city then—they showed us how some of the cities were using the traffic computer to a much larger degree than just control of traffic. I wondered if anything had been done in that?

**Hon. Mr. Kerr:** You mean like trying to pinpoint incidents of crime in certain parts of the city?

**Mrs. Campbell:** Yes; I don't suggest a smaller force in Toronto, but perhaps they could make better use of the force they have through alerting the officers in advance of going into an investigation as to what they were apt to be meeting.

**Mr. Lovlin:** If I might answer the member's inquiry; one of the pilot programmes Mr. Bell mentioned is a look at the applica-

tion of the mini-computer in the police environment. It's a specific project that's under way and involves the region of York. In the coming year they'll be looking at gathering information in the field as to the activities the officers are engaged in; the amount of time on these various activities; the response time of the force to these activities—this sort of thing.

This particular project is a digital communications assessment of the use of computers in the police environment type of study. What is involved is capturing data, correlating it and then utilizing it as a means of projecting what are likely to be the occurrence rates of activities in various regions. This will be part of this pilot project in York. It doesn't relate to traffic as such, but you were referring to much broader areas of investigation.

**Mrs. Campbell:** Yes I was. I was speaking of the use of the traffic computer in a more sophisticated fashion than it is involved in at present.

**Mr. Lovlin:** Yes, we've been down to see a number of installations in the US, as I'm sure you have too.

**Mrs. Campbell:** Yes.

**Mr. Lovlin:** And in the US they actually use it to project crime with some success, but it's still very much in the experimental stage. This is precisely the type of programme we expect this pilot project in York to get into.

**Mrs. Campbell:** Is that the contract before us? I thought the contract we had was with the University of Toronto. Could we have the terms of reference of that project with the criminology department, not necessarily read into the record but could we get them at the same time we're getting the other one that I asked for? And could we have a summary of all of those reports, or research projects or whatever, that are being undertaken by the University of Toronto through its criminology department?

**Mr. Bell:** We only have the one.

**Mrs. Campbell:** You have one, but another has been referred to; could we co-ordinate them and get the terms of reference?

**Mr. Chairman:** You want a list of work that is being farmed out—

**Mrs. Campbell:** Undertaken.

Mr. Chairman: —or put out on a contract basis?

Mrs. Campbell: I'm talking about the terms of reference of the contracts in the particular area of criminology at the University of Toronto.

Hon. Mr. Kerr: You're talking about the one on special police?

Mrs. Campbell: That is right.

Mr. Chairman: Which is going to be filed, I understand.

Mrs. Campbell: Yes, and this one to which reference has been made. I'd like to know—

Mr. Chairman: When you're speaking of this one, do you mean the one in connection with the York region project? Is that the one?

Mrs. Campbell: I didn't think it was in connection with York. I may have misunderstood Mr. Bell as he was describing it to us. I thought it was at the University of Toronto —the one that you were filing.

Hon. Mr. Kerr: That's the \$50,000 one.

Mr. Bell: Mine is with the University of Toronto, but it doesn't relate to the York study. This is a case where we're hiring criminologists to sit in with our other five members in the study programming for new college schedules and so forth.

Mrs. Campbell: Right; then that, I think, is the one that I want. I don't know of the York one. I take it it's an ongoing investigation with a mini-computer project. Is that right? That's at York.

Mr. Lovlin: Yes, that involves the police forces in York.

Mr. Chairman: Mr. Bell, you have that available?

Mr. Bell: I have that available right now.

Mrs. Campbell: If we could get it, I'd appreciate it.

Mr. Chairman: Are there any further questions?

Mrs. Campbell: Yes. I wanted to know if at this point I could get, either from the minister or the commission, some comment on the Lily Francks case. I want to know if they have looked at the situation; if they have taken any measures to ensure that such a—I can't describe it—such an occurrence will not take place again. Have they had any

overview of this kind of situation, which again brought into serious question the whole administration of justice as I see it in this province?

Hon. Mr. Kerr: Mr. Chairman, my information is briefly that the Montreal police had a warrant out for a woman by the name of Lili St. Clair.

Mrs. Campbell: Yes.

Hon. Mr. Kerr: This woman was coloured. They had information that she was in Toronto, and it was possible she would be in a hospital in Toronto. The coincidental facts are amazing to this extent. The investigation by the Toronto police revealed that Lily Francks, who is also coloured, was in Wellesley Hospital at that time. As a result of having the Montreal warrant, the Toronto police confirmed that one Lily Francks was in the Wellesley Hospital.

They made an investigation. They were told, according to the information I have, that Lily Francks had been operated on during the day, but the doctor had indicated to her after a certain period of time that she could leave when she wanted to; when she felt like it. She had been out of the recovery room, apparently for some hours, and as soon as she felt physically fit to do so she could leave. Apparently the patient decided to wait until she had her supper. She had been in the recovery room for six or seven hours.

The police were in the hospital around 4:30 in the afternoon and they checked with the hospital authorities and they said she could leave. The police then went and saw the patient and were told by her that she had planned to have her supper. They waited until she had done so and then took her away. Apparently up until this point the police behaved quite correctly in the situation.

She was discharged, and apparently assuming they had the right person, what the police were doing was in order. However, she did protest she wasn't the person they were looking for. Mr. Francks became involved at this point. He discovered that she was missing from the hospital or left the hospital—

Mr. Singer: Yes, missing; kidnapped.

Hon. Mr. Kerr: I'll put it that way—left the hospital.

He then of course found out she was in the custody of the Metro Toronto police. The Metro police then, after the protestations

from both Mr. and Mrs. Francks, again contacted the Montreal police force and with further information they then realized that they had the wrong woman.

As you know within a matter of 24 hours, after quick investigation by the chief in questioning the officers and also in ascertaining just what information the police had from the Montreal force and whether a legitimate mistake had been made, the police apologized to both Mr. and Mrs. Francks. That was accepted by them and apparently that ended the matter.

Mrs. Campbell: It is just that I think there was one error in the way it came out. I haven't the tape of what Chief Adamson said, but I think the description was not as you gave it to us. The description the Metro police had was not as you gave it to us; and there was a very patent error on the face of it.

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I think it's beyond belief that a hospital would willingly allow her to be taken off by the police. I think it's dreadful that the police in those circumstances would move into such a situation.

According to the way in which Chief Adamson spoke—and I watched him on television—his apology was based on the fact that an obvious error had been made. Otherwise I'm sure he wouldn't have made that kind of an apology. I would have thought that a minister in charge of this kind of an operation would be deeply concerned about the whole administration of justice when this could happen.

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**Hon. Mr. Kerr:** Do you know what that was?

**Mrs. Campbell:** Yes, the matter of colour.

**Hon. Mr. Kerr:** You mean—

**Mr. Singer:** That was the way I read it in the paper too. They were looking for a white woman.

**Mrs. Campbell:** That's right.

**Mr. Singer:** And they in fact took into custody a woman who was black.

**Hon. Mr. Kerr:** I see.

**Mrs. Campbell:** That's right. Is that your investigation of the situation?

**Hon. Mr. Kerr:** Well my information is that the Montreal police had indicated she was coloured. Now this Mrs. Francks, apparently from the information, was of dusky complexion, you see. She may have been an Indian, a native Indian or a coloured person, but the assumption by the police when they first saw Mrs. Francks was that she fitted the description on the warrant.

**Mrs. Campbell:** Well Mr. Chairman, this is one of those cases that disturbs me. In the first place, we have to take into consideration the fact that if one is in hospital as a result of a gunshot wound or something, every protection is accorded to this person.

Here is a woman who has been hospitalized. We have to understand something of the emotional problem that she had in

facing the possibility of a very serious diagnosis as a result of surgery. If you know anything about this kind of surgery, even where it turns out that in the end it's not malignant there is a great grogginess for at least a whole day. I would think that a minister in this area would be deeply concerned at the police removing somebody.

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According to the way in which Chief Adamson spoke—and I watched him on television—his apology was based on the fact that an obvious error had been made. Otherwise I'm sure he wouldn't have made that kind of an apology. I would have thought that a minister in charge of this kind of an operation would be deeply concerned about the whole administration of justice when this could happen.

I would have thought our facts might have been quite straight today. I would urge the minister to make a further investigation to assure that the information he has is correct. Because from the information I have, and it's not a sworn statement, I would believe it was a patent error.

**Hon. Mr. Kerr:** Well, there's no question—

**Mrs. Campbell:** That it was an error.

**Hon. Mr. Kerr:** I think the thing that concerns me more than the fact there was great similarity as far as description was concerned, is that the police would enter the hospital, and I would assume place this woman under arrest, without the usual, shall we say, judge's rules applying. There was no reason they couldn't wait, even longer if necessary, to give her an opportunity to call a lawyer if she wanted to, or to call her husband. The police, as a result of her denials, again checked the information from Montreal and checked the circumstances of the warrant.

That part bothers me more than anything, the fact she was actually taken into custody based on information coming through a telex system, I am sure, really, involving not a very serious charge as far as Lili St. Clair is concerned. I mean apparently Lili St. Clair was wanted by the Montreal police on a charge of having given an indecent performance. After all she is a professional—

**Mr. Singer:** Well worthy of close pursuit.

**Hon. Mr. Kerr:** Yes, quite. She is not a desperado by any means. So the whole

thing was compounded to the point where it got ridiculous—

**Mr. Chairman:** The indecent performances were on the part of the police.

**Hon. Mr. Kerr:** Well in any event, I think you would have to agree, and I want to put this so it sounds proper, it is not too often you get the chief of police of a metropolitan force the size of this apologizing for the acts of some of his constables.

**Mr. Singer:** He had no alternative.

**Hon. Mr. Kerr:** I think he was very embarrassed by the whole thing. Whether the fault is with one person downtown at headquarters or not, I don't know. But there was too much enthusiasm involved with this whole thing and it was absolutely unnecessary.

**Mrs. Campbell:** I think it goes back to what was said earlier today, that these two constables who were sent, as I understand it, were under orders just to pick her up. No discretion was allowed to them. There was no indication, and I don't want to go on any witch hunt, but it does seem to me that it would have been interesting to the minister to ascertain just what kind of actions were taken following this situation and what action has been taken to ensure that it doesn't happen ever again.

**Hon. Mr. Kerr:** My information is that the police officers involved were reprimanded.

**Mrs. Campbell:** Well I would like to know who was reprimanded, because I would like to know that the person who sent the constables was the one who took responsibility and not those who were sent. As I see it they had no discretion at all.

**Mr. R. Haggerty (Welland South):** They were acting under orders.

**Mrs. Campbell:** They were acting under orders. This goes back again to this whole thing that we discussed about the use of discretion. I don't know what discretion those two would have been able to exercise in the light of a direct order to go into the hospital and pick her up.

I don't need to have it tonight, but this is where I would like to have some information as to what happened as a result of this error and what steps are being taken to ensure it doesn't happen again.

**Hon. Mr. Kerr:** Well I don't think that is possible. I really don't think it is possible to completely assure that it doesn't happen

again, unless the whole procedure as far as arrest and custody and detention in a situation like this is concerned is changed.

In other words, that woman should have been able to make whatever phone calls were necessary. She should probably have had the advantage of having a lawyer if she wanted a lawyer, or at least getting her husband there.

Let me read just what Chief Adamson is reported as saying. Chief Adamson said:

Mrs. Francks was taken into custody through an error on the part of one of our staff sergeants who did not check his information thoroughly enough [He said:] The staff sergeant has been reprimanded. He is a very capable officer who failed to follow some very basic procedures. He is very aware of what he has done. We have made mistakes before and I am always the first to apologize.

I also note here that Mr. Francks was prepared to accept that and felt that the matter should be dropped.

**Mrs. Campbell:** Mr. Francks, as I heard him on television, said he had been urged to take action against the police and that he was not concerned with getting money as a result of this incident, but that he was concerned about—and he was quite dramatic about it in speaking and saying—"you're white, you're white, you're white." I suppose that one could say he accepted it in those terms.

But I'm concerned that if somebody is in hospital and has had surgery, there should be some discretion whereby police just don't romp into a hospital and cart somebody off without any opportunity for the person to defend herself. Particularly, as I say, when we know that a person who is in hospital, probably charged with a very heinous offence, is protected while they are there; and probably has ample opportunity, on being released from hospital, to have counsel and all the protection of the law.

I think this leads into the other thing that concerns me—

**Mr. Singer:** Before you leave that one, Margaret—

**Mrs. Campbell:** All right.

**Mr. Singer:** Are you onto another one?

**Mrs. Campbell:** Yes.

**Mr. Singer:** One would have thought, particularly in view of the Rabbi Leiner case, that the precepts laid down by Chief Justice

Dalton Wells, who was appointed as a royal commissioner to investigate that, would have been noteworthy to all police forces in the Province of Ontario, as to the importance of checking their information and checking identity. That commissioner's report was pretty bitter as directed to police actions in the Leiner case. If my memory serves me correctly, he laid down a number of basic precepts that arresting officers had to observe.

It occurs to me that in the particular instance Mrs. Campbell is talking about, a simple check of the hospital records would have revealed Mrs. Francks' OHIP number, which is the same as her social security number. I believe most warrants that are issued provide sufficient identification, such as social security numbers, that a simple comparison of the two numbers could have indicated they were on the wrong track.

I just wonder, having listened to Mr. Bell a little earlier about the fact there are certain regulations the OPC promulgates from time to time, whether they should take another look, both at Dalton Wells' report in the Leiner case and the incidents of this one, and perhaps draft some sort of general instructions arising out of these—not that it would be a guarantee that it would never happen again, but to lay down some obvious precepts as to how these matters should be handled and perhaps guard, as far as is humanly possible, against it ever happening again.

**Mr. Chairman:** Mrs. Campbell; would you continue, please.

**Mrs. Campbell:** Yes. I just have one other item. It seems to me today and notwithstanding the task force report, that the pursuit of a person driving a motor vehicle is carried with a degree of inexorability that doesn't prevail in more serious cases. In other words, I wonder if there is any way one can resolve this problem involving the public at large, and usually people who never under any circumstances find themselves in any court, quasi-criminal, criminal or otherwise; suddenly they have all of the accoutrements of becoming criminals, without any real opportunity to defend themselves. I wonder if there is any way this ministry can look at it.

If you look at Metropolitan Toronto today, by the time one gets a summons for an offence, you would probably be ready to be certified if you could remember, down to the last detail, what you did with a motor vehicle six months or four months before. Your opportunity to defend yourself now is pretty much of a farce. People are

constantly in the position of more or less paying up because they haven't any way of defending themselves at all.

Starting with the tagging situation, where one is presumed to have had a ticket or a tag on the car, which doesn't necessarily happen; or the other kinds of offence where you are not tagged but where you get a summons subsequently; the time lapse is so great you really lose your power of defending yourself. I think the public at large is probably more irate and the police suffer more in the eyes of the public over this kind of a situation than almost anything else.

It doesn't seem to me that it adds anything to the ability of the police to do their job in the more urgent cases. One would hope that in co-operation with the Attorney General (Mr. Welch) and under the aegis of the secretariat, one could come up with something far more simple; something which doesn't deny a person the right of simple justice in a case of this kind.

Most of the public that I talk to simply say: "Well, I don't recall what happened. I can't prove where I was, so I'll pay the thing." I don't think that is the object of the exercise if one wants to have "Police Week" and "Cops Are Tops" and "Save Us A Cop"—or whatever the other expressions are—it doesn't go with all that.

I am speaking generally, but it irritates me, and always has, that one simply is quite often not able to marshal the facts because of these lengthy delays. I do think that you ought to at all times have a right of defence that is meaningful.

**Mr. Chairman:** Further comments on that?

**Hon. Mr. Kerr:** Mrs. Campbell, you are talking about a situation, I would assume, that if a person is charged with careless driving or impaired driving or leaving a scene or something of that nature.

**Mrs. Campbell:** Something like that; usually there is something that draws attention to it. You are probably aware of it.

**Hon. Mr. Kerr:** Right.

**Mrs. Campbell:** But the stopping offences; parking offences—failure to be as close to the right-hand curb as practical in making a right-hand turn is one of the beautiful ones.

**Hon. Mr. Kerr:** Well, how are you suggesting—

**Mrs. Campbell:** How in the world you could keep track of how close you are to

the right-hand curb in making a right-hand turn four months later, I don't know.

**Hon. Mr. Kerr:** You are talking about a situation where a person is not served with a uniform traffic ticket or anything like that. You mean a ticket where a car is tagged while it is empty; is that what you are talking about?

**Mrs. Campbell:** I am saying that under the present system where they have that tagging, it is presumed you have had the tag whether you have or not. Subsequently you get a summons and that summons is months old.

**Hon. Mr. Kerr:** Well there is a time allowed after you are issued a ticket. There is always a time to pay it; then if you don't pay it it goes through the whole system.

**Mrs. Campbell:** That's right

**Hon. Mr. Kerr:** Finally you are sent a letter or summons; and if you ignore that then it is personal service.

**Mrs. Campbell:** That's right. What I am saying is that at the time the summons is received, in many cases people simply write in and pay the thing because they haven't a clue what happened on that day four to six months ago.

**Hon. Mr. Kerr:** That helps to pay for "Police Week."

**Mrs. Campbell:** I see, then if it helps to pay for "Police Week" I am quite prepared to take out any of the moneys that are available in this particular vote, say the \$20,000 for "Cops are Tops".

**Mr. Chairman:** Well now you can't be serious, Mrs. Campbell. That remark was made by the minister in jest.

**Mr. Singer:** Oh he looked very serious.

**Mrs. Campbell:** Mine deserves the same consideration as his.

**Mr. Chairman:** Further comments on item 1?

**Mr. Singer:** Yes Mr. Chairman, I have a number of recommendations here in the report and I'd like to have the minister's opinion in regard to each one of them. The minister has his copy of the report here and perhaps I can—

**Mr. Chairman:** You're on the task force?

**Mr. Singer:** Yes.

**Mr. Chairman:** Well now, that is in relation to the police commission?

**Mr. Singer:** Oh of course; I wouldn't ask anything on a subject other than the police commission.

**Mr. Chairman:** I'd like to remind the member that we dealt with the task force on policing in general terms under the first item, main office. We specifically dealt with the task force on policing under item 3 of vote 1501, and we don't intend to get into a dissertation once again on the various items of the task force on policing.

**Mr. Singer:** I am only going to ask, Mr. Chairman, and I insist that I have the right to ask, whether or not the minister is prepared to take action on certain specific recommendations relating to the police commission and policing in Ontario. I am not going to read them all, just a few selected ones that I have marked here. On page 145, recommendation role 3.6:

That the Ontario Police Commission prepare and circulate through the governing authorities in written form instructions governing the use by police officers provided by law, and that these be communicated clearly to the public.

Is the minister prepared to instruct the police commission to do that?

**Hon. Mr. Kerr:** Yes.

**Mr. Singer:** Rule 3.7 states:

Police officers recognize that by reason of the Canadian Bill of Rights every person arrested or detained for any offense under the Code or any statute, has the right to be informed promptly of his reason for arrest and detention, and the further right to retain counsel without delay. Proof that the spirit of these provisions has been flouted or ignored should result in disciplinary action.

Is the minister prepared to take action on that?

**Hon. Mr. Kerr:** I think that is for the most part done at the present time, but it would be fair to support that recommendation.

**Mr. Singer:** All right.

**Mr. J. A. Renwick (Riverdale):** I think the minister went further the other day when he indicated he would make the whole of the judge's rules a part of his directives to the police in the Province of Ontario.

**Mr. Chairman:** Yes, that is correct, Mr. Renwick. That statement was made. That's why I sense a certain amount of repetitiveness in continuing this

**Mr. Singer:** Page 148, organization 2.1. I raised this earlier. I don't recall getting any answer from the minister. Is the minister prepared to accept the majority report of the task force that there be a judge on every police commission, or prepared to accept the minority report and the views of many of the members that there be no judge on police commissions?

**Hon. Mr. Kerr:** That's one that I am having a hard time with.

**Mr. Singer:** Well, naturally I'd like an answer. I put forward the case, but I'd like to hear the minister's view on it.

**Hon. Mr. Kerr:** That's a very difficult one, particularly if we follow the balance of the recommendation, which suggests a five-person police commission. Who is that fifth person going to be?

**Mr. Renwick:** You have trouble with the county court judges, don't you?

**Hon. Mr. Kerr:** Well you know, when I made the statement some months ago, I was really thinking about provincial court judges; and we still have a number on police commissions, as you know. Now the point that Mr. Maloney made, for example, is that this type of arrangement may be possible. This is what exists in my bailiwick now, where a judge sitting in the county of Wentworth can sit on the police commission in the regional municipality of Halton. But the problem is if you have two members of council and two members from the community, who is that fifth person?

**Mr. Singer:** Maybe you could have three members from council so you can have this idea of responsibility, a new democratic idea that maybe we should extend.

**Hon. Mr. Kerr:** Well it's the local judge.

**Mr. Singer:** That's what's wrong with it; the local judge is not quite elected.

**Mr. Haggerty:** He doesn't have to come back to the taxpayers and say why there is an increase to each cost and so forth.

**Hon. Mr. Kerr:** Well the members of the police commission have to do that, and certainly the spokesman on council—

**Mr. Haggerty:** Not the appointed ones.

**Hon. Mr. Kerr:** You see, one of the great advantages in Ontario and in most of Canada is that the police commissions have been honest. There hasn't been this so-called political influence in the operation of local police forces, and—

**Mr. Renwick:** Oh, come, come, come!

**Mr. Singer:** Oh dear, oh dear, oh dear!

**Mr. Renwick:** No; I think you're misstating the problem.

**Hon. Mr. Kerr:** No. But when we had committees of council running our police forces there were some indication there was interference in the operation of the forces. To sort of throw your words back to you, they didn't seem to be right, there seemed to be an area of conflict. They seemed to lack this degree of independence that is important in the operation of a police force.

**Mr. Singer:** I hesitate to be repetitive because I know it bothers the chairman, but if my arithmetic is correct there were 17 members of the task force.

**Hon. Mr. Kerr:** Right.

**Mr. Singer:** Seven of them joined the minority, that there should be no judge. Of the 10 in the majority, six of them were police-oriented. So if you remove the police-oriented people who made the recommendation, only four who apparently had no police connection were in favour of retaining a judge and seven were against it.

**Mr. Renwick:** Your arithmetic is impeccable.

**Mr. Singer:** Thank you.

**Mr. Chairman:** That was brought out. You are quite right, Mr. Singer, some days ago.

**Mr. Singer:** Yes, I did bring that out; but the minister made me be repetitive against my better judgement.

**Mr. Chairman:** There were pros and cons, as I understand, and his opinion had not as yet crystallized. I think that is—

**Hon. Mr. Kerr:** If you can help me out of this dilemma.

**Mr. Singer:** Yes, take judges off the police commissions.

**Mr. Chairman:** Mr. Singer, you had another point on the commission—

**Mr. Singer:** Yes.

**Mr. Chairman:** —which isn't repetitive?

**Mr. Singer:** Right. On page 152—if I could have the minister with me—under organization, there are a series of recommendations; 7.1, 7.2, 7.3, 7.4. Could the minister tell us what his attitude is on each of these.

The first one is that there be an executive director; the second is that there be an executive secretary; the third that the OPC be expanded to five members; and the fourth that the OPC provide all central support services.

**Hon. Mr. Kerr:** I think, Mr. Bell you can correct me on this, but I think you are moving towards this type of an administrative structure now aren't you? The idea is an executive director dealing strictly with programme management and central support service functions.

**Mr. Bell:** I am not just sure that in relation to the executive director and all the—

**Hon. Mr. Kerr:** Well, some similar names.

**Mr. Singer:** You fellows didn't get your signals straight earlier.

**Mr. Bell:** No, I haven't been asked by the minister before. I want to be fair in saying that we have given this quite a bit of study, and at the present time at least the executive director—with all of the prerogatives that are assigned to him—would seem to us to be at this time a little superfluous. If all the matters which are assigned to us as responsibilities under the task force are subsequently assigned to us, then the need is becoming more clear. And the executive secretary is the same way.

**Hon. Mr. Kerr:** This is probably a little too early as far as 7.1 is concerned, and 7.2 as well; these are matters that are still being considered. This is the type of recommendation that is still being considered by the OPC in this instance; as well as the other organizations that are affected by these recommendations.

The idea of having someone head the administrative structure of the OPC seems to make good sense—whether he is called the chairman of the commission, or what have you.

**Mr. Singer:** We seem to have one of those at the moment.

**Hon. Mr. Kerr:** Yes. But as far as 7.3 is concerned, I support that recommendation, subject to the problem I just mentioned.

**Mr. Singer:** Why would you support the increase to five?

**Hon. Mr. Kerr:** I think for one thing it gives you more local representation. I think there is better balance. The idea of a mayor and a citizen and a—

**Mr. Singer:** No, no; this is the OPC—Ontario Police Commission.

**Hon. Mr. Kerr:** Oh, I'm sorry. Well, I think the OPC—

**Mr. Renwick:** They have representation, better balance.

**Hon. Mr. Kerr:** Sorry. Well, if you're going to support 7.1 and 7.2, it seems likely that you may have to support 7.3. Now, at the present time, there are only three members on the commission.

**Mr. Bell:** Two full-time and one part-time.

**Hon. Mr. Kerr:** Yes. But, you now have Mr. Hale involved with work in the commission as a consultant, as far as implementation of the task force is concerned. So, there are four that are really active with the commission.

**Mr. Singer:** But there are only three commissioners. I fail to follow the task force recommendation increasing it from three to five.

**Hon. Mr. Kerr:** Well, the report, as you know, recommends some substantially increased activities for the commission. It recommends that the commission become much more involved in the direction of the police forces in the province. Whether or not five members are required, I'm not in a position to absolutely say right now.

**Mr. Chairman:** Any further questions?

**Mr. Singer:** Yes, what about 7.4?

**Hon. Mr. Kerr:** Well, again, without committing myself on the record at this stage while these matters are still being considered, this would seem to be a reasonable recommendation. As I say, this is basically an organizational recommendation, and if we're going to accept many of the other basic recommendations for the future role of the commission vis-à-vis police forces, this particular recommendation may be a very reasonable one. But, again, I would like to have over the ensuing weeks and months, some feeling from the OPP, for example, as well as discuss it with members of the commission

and those involved in policing in the province. This seems to take some powers away from the local commissions.

**Mr. Singer:** Yes, it does. Insofar as the implementation of any or all of these recommendations is cancelled, could the minister explain what process he has in mind? Would he do it in consultation with the Legislature? By ministerial announcement? Or by perhaps substantial amendments to the Police Act, so that the members of the Legislature could play a role in whatever new direction the minister might choose to take?

**Hon. Mr. Kerr:** Well, yes. I anticipate that these recommendations will be implemented on a stage or staggered basis. There are a number of recommendations that don't involve amending any legislation. For example, the question of training. I think that's being worked on right now. I think there are many changes really that have been implemented in anticipation of the task force report, and which of course will be implemented, particularly when the police college is available.

The recommendation about the local police commission is one that I think we will have to make an early decision on. This, of course, involves amending the Police Act, increasing the number of people on the police commission and our consideration of whether or not we would accept the majority report or the minority report.

As to the idea of composition of the police forces—the requirements, for example, as to height and sex and things like that—

**Mr. Singer:** I was going to ask you about the requirement as to height. Are you in favour of that personal recommendation 1.4?

**Hon. Mr. Kerr:** Yes.

**Mr. Singer:** We could have policemen under 5 ft 8 in?

**Hon. Mr. Kerr:** Yes, I think there are duties that can be performed by a person who is shorter, shall we say, than the present provision requires. Then, of course, there is the idea of women in the police force. I think the basic educational minimum requirement now is grade 12; the task force recommends that it be grade 10, with other types of training. There are types of recommendations like that that in some instances require amendments to the Act and in some instances require amendments to the regulations. There is also the question of private police agencies or security agencies.

There is the question of bilingualism in the force; the move can be taken now, not only as far as the French language is concerned, but the recommendation regarding people of ethnic background policing their own communities.

There is the question regarding Indian policing, the business about requirement for Canadian citizenship, and the matter of the establishment of minimum mandatory recruiting and selection procedures for all Ontario police forces.

Those are recommendations that I suppose are quite obvious; they have been suggested by various police officers in various police forces for some time. Those can be implemented.

Now there are others that are subject to the implementation studies that we have talked about during the course of these estimates. This is the type of thing that Mr. Hale will be working on. They will take a little more time. So, as I say, we should get some this year, more next year and so on.

**Mr. Singer:** Could I make a suggestion to the minister? Where the change in direction does not necessitate a statutory change, from time to time he should bring before the Legislature a resolution or a report and provide an opportunity for debate. If the operation of the police forces is going to take a different direction—and I think probably they should—it is quite difficult to dig these changes out only at estimates time. Might I urge the minister to bring before the Legislature, from time to time, either an announcement or perhaps a resolution or in some manner to give us an opportunity to discuss in the Legislature the kind of changes he is about to embark upon. I think it is very important that the public be kept aware of these changes, and that the members of the Legislature be given the opportunity to discuss them as they are about to take place.

**Hon. Mr. Kerr:** Right. Do you mean more than just the normal procedure of introducing a bill and the—

**Mr. Singer:** Where you have a statute, that's fine. Some of these things require statutory changes—

**Hon. Mr. Kerr:** Yes.

**Mr. Singer:** —so there is an opportunity to discuss it. But there are a number of procedures that don't require statutory changes which are a change in direction. The OPC

could go off in a different direction than they have before, by ministerial instruction or advice. We should be kept apprised from time to time and be given an opportunity to have some sort of discussion or to pass some kind of comment upon it as these things are about to take place.

**Hon. Mr. Kerr:** I think that can be done.

**Mr. Chairman:** If there are no further comments on item 1, shall item 1 carry?

Item 1 agreed to.

**Mr. Chairman:** Item 2. Are there further comments on vote 1503, item 2, police training?

**Mr. J. E. Stokes (Thunder Bay):** (Mr. Chairman.

**Mr. Chairman:** On item 3?

**Mr. Stokes:** Item 2, Mr. Chairman.

**Mr. Chairman:** Item 2?

**Mr. Stokes:** Yes, I would like to find out from the minister, as a result of recent announcements, whether there is going to be additional police surveillance in north-western Ontario in areas that have had very little activity. I want to refer specifically to recent events to bring more regular trips into the far north.

It's my understanding that you are going to enlist native persons who are suitable for the task of policing their own reserves to a much greater extent than has been possible in the past. What percentage of the \$1.4 million that you are asking for police training is going to go into the training of native people so that they can accept greater responsibility for law and order on their own reserves?

**Hon. Mr. Kerr:** I don't know if I can give you a specific figure here as to how the \$1.4 million would apply to Indian policing.

**Mr. Stokes:** I don't want an exact figure.

**Hon. Mr. Kerr:** The present situation is this—probably I can help you.

**Mr. Chairman:** Excuse me, could you clarify that, Mr. Stokes? I gather you are not speaking in terms of Indian policing, you are speaking in terms of native personnel in policing?

**Mr. Stokes:** Yes.

**Hon. Mr. Kerr:** It really would be in the police vote. In other words, it would probably be in either 1504 or 1505.

**Mr. Stokes:** The reason I'm asking in much more detail than has been possible in the past because your predecessor said that they were allocating specific funds to train native people to assume to a greater extent than ever before in the past the responsibility of policing their own reserves. They felt that the only way this would be possible would be to recruit people who had the necessary background and the necessary attitudes, bring them down to Aylmer and in due course send them back. They would have a much greater chance of having a good rapport with the native people, in explaining the law to them to a much greater extent than has ever been possible in the past, to make the native people aware of the administration of justice and law enforcement, regular police surveillance and things of that nature.

There was a specific amount of something like \$300,000 mentioned that they might allocate to this. I realize that there are a lot of logistical problems in doing this and there are great problems in recruiting the right kind of person, but I'm wondering how successful has the programme been to date and what do you plan for this fiscal year?

**Hon. Mr. Kerr:** What has happened today is that we have met with the band chiefs and have more or less agreed on a pay schedule for band constables. There is an understanding as far as training is concerned. There is an understanding as far as the role of the Ontario Provincial Police is concerned.

We have figured out, as you say—this will come up in the next vote—we have set aside about \$300,000 for this programme. It not only involves an increase in wages for these Indian constables but it also involves equipment, uniforms and training, as you have have indicated. This has all been proposed in a letter to Mr. Chretien with the hope that he will accept it.

There is a tentative agreement whereby the federal government will pay 60 per cent and we will pay 40 per cent, with, perhaps, a small contribution from the council on about a two-year basis. Then the division will have to be looked at again at that point. But we are making headway. There has been substantial agreement between the Indian chiefs and the band council and my ministry. It is just hoped that the federal government really will approve of this arrangement because it's a great improvement, and it's one of about four options. In our opinion it's the best one.

The Indian constables will be policing their own reserves and we will upgrade and

gest, to Aylmer. They will get the same type of in-service training. They really will have a department, you might say, with the support of the OPP, and it is not out of the realm of possibility that in a few years some of those natives who will be policing in their train these men. They will go, as you suggest, own reserves will be down in Toronto or Hamilton or Kitchener or some other place as police officers and this can be a start of a whole new force.

**Mr. Stokes:** I just wanted to establish that there had been a change of philosophy, because at one time, and not too many months ago, really, the philosophy was that you would provide the personnel as long as the federal government came up with the dollars. I am very pleased to see that there has, in fact, been a sharing, because it has worked quite well on the St. Regis reserve in eastern Ontario. We have a pilot project in the Gull Bay area that seems to show every possibility of success. I just want to encourage you to do more of it because I think it is a step in the right direction. If we are going to give the native people a greater appreciation of the administration of justice and proper law enforcement, I think we are going to have involve them in the same way that you have started to do so, as I say, in those two specific areas. I want to congratulate you for having done so and encourage you to do more of it.

**Mr. Chairman:** Thank you, Mr. Stokes. Does item 2 carry?

Agreed to.

Item 3. Carried?

**Mr. Haggerty:** Hold it, that is the Ontario Police Arbitration—

**Mr. Chairman:** Arbitration commission.

**Mr. Haggerty:** How many employees are there?

**Mr. Chairman:** Item 3, \$76,400. Ontario Police Arbitration Commission—the number of employees.

**Hon. Mr. Kerr:** All right, I will be right with you. There are two full-time employees and five on the arbitration commission.

**Mr. Chairman:** Any further questions, Mr. Haggerty?

**Mr. Haggerty:** How often do they sit?

**Mr. Chairman:** How often does the commission sit?

**Mr. Haggerty:** Yes, how often does it sit for arbitration?

**Hon. Mr. Kerr:** The commission sits whenever there is a need to arbitrate. There have been about 14 or 15 sittings since last September. The commission itself has met about once a month since its inception last summer.

**Mr. Chairman:** You were looking for the number of sittings, you mean?

**Mr. Haggerty:** It is a new programme for 1973-1974 and you jump from \$69,000 to \$76,000. I just wanted to know how many—

**Hon. Mr. Kerr:** Yes. This, as I say, is for a full year. This is the first full year of the arbitration. As I say, we have one full-time arbitrator in Mr. Ferguson, and the commission also has a secretary.

**Mr. Haggerty:** In other words this is going to speed up arbitration?

**Hon. Mr. Kerr:** Yes.

**Mr. Haggerty:** It is not going to be there for—sometimes, I guess, like the year before, arbitration took six or seven months before they got a hearing.

**Hon. Mr. Kerr:** That is right.

**Mr. Haggerty:** This is supposed to speed it up?

**Hon. Mr. Kerr:** Much quicker.

**Mr. Haggerty:** Much quicker if not sooner, eh?

**Mr. Chairman:** Any further questions on item 3?

That completes vote 1503.

Vote 1503 agreed to.

On vote 1504:

**Mr. Chairman:** Administration programme, item 1, administration. Any comments or questions on item 1?

**Mr. Haggerty:** There is such a big increase here. What is the increase for?

**Mr. Chairman:** Item 1 agreed to?

Item 2, financial management. Any questions or comments on item 2?

Item 2 agreed to.

Item 3, staff inspection.

Item 3 agreed to.

Item 4, inservice training. Any comments or questions on that item?

- Item 4 agreed to.
- Item 5, properties.
- Item 5 agreed to.
- Item 6, personnel.

Mr. J. P. MacBeth (York West): There is a bit of an increase there, Mr. Chairman. Can the minister briefly tell us what the increase is about?

Mr. Chairman: That is down, isn't it?

Mr. MacBeth: Personnel?

Mr. Chairman: Yes, it is down from \$398,000 to \$381,000.

Mr. MacBeth: All right. I am sorry. No complaints with that.

Mr. Chairman: Item 7, Ontario Provincial Police Auxiliary. Any questions on that?

Mr. Haggerty: What is the need of the Ontario Provincial Police Auxiliary? Do you use them and how often?

Hon. Mr. Kerr: The auxiliary police?

Mr. Haggerty: The auxiliary police.

Hon. Mr. Kerr: Yes, they are used quite frequently in areas where you don't need a trained police constable or police officer in the normal sense of the word; in various ways—parking, crowd control, traffic and this type of thing.

Mr. Haggerty: Do they have authority to lay a charge?

Hon. Mr. Kerr: Yes, I would think they do. Commissioner?

Mr. H. H. Graham (Commissioner, Ontario Provincial Police): They never do.

Mr. Haggerty: Do they, though?

Mr. H. H. Graham: No, they don't.

Mr. Haggerty: They haven't got the authority or they do have the authority?

Mr. H. H. Graham: They are sworn in as special constables but they do not in practice lay the charges. They do not.

Mr. Haggerty: They do not. You are kind of putting a fellow out on a limb, aren't you? To enforce the law but he can't lay a charge—

Mr. H. H. Graham: They are always accompanied by our people.

Mr. Haggerty: They are?

Hon. Mr. Kerr: Say they are on crowd control and this type of thing and the crowd is obstructing traffic, intentionally obstructing traffic—

Mr. Haggerty: Could you use them—

Hon. Mr. Kerr: —the only way to make them effective is to give them some power to carry out their particular orders.

Mr. Haggerty: I am just thinking, though, if he had to come before the court to testify, it wouldn't mean anything would it?

Hon. Mr. Kerr: He could do that. A police officer has the power of arrest.

Mr. Haggerty: Could you use the auxiliary police, say, in the instance which happened in Niagara Falls city last Thursday, I think it was? They had kind of a riot in Niagara Falls when police officers were arresting somebody for driving a car or something and apparently a riot developed. One officer was driving to the scene and was killed along the Queen Elizabeth Way. Could they have been used in such an emergency?

Hon. Mr. Kerr: I wouldn't think you would use your auxiliary police in a situation like that. That is a pretty, inflammable type of situation, shall we say?

Mr. Haggerty: Yes, they had to call out the fire department.

Hon. Mr. Kerr: No doubt.

Mr. Haggerty: They were going to wet them down, I guess.

Hon. Mr. Kerr: I would think more in quasi-criminal enforcement or quasi-police activity—

Mr. Haggerty: You mean it is just a show of strength? That is about all it is, somebody with a uniform on.

Hon. Mr. Kerr: It is like maybe the St. John Ambulance and a doctor in many respects; or an intern. You can make the same comparison. These men are really civilians who are sworn in as police officers for special duty. They haven't the training of a police officer. They don't get involved in the investigation of illegal acts or criminal acts.

Mr. Haggerty: Why wouldn't you have a training programme for them? Could they not, through some form of a training programme, act as cadets and eventually fall into permanent positions in the police force?

**Mr. H. H. Graham:** Mr. Chairman, if I might answer that. They do meet once a month. There are 17 units through southern Ontario and each one is in the charge of a regular corporal of the OPP. It is that corporal's duty to meet with these men once a month and have some drill and some training. The auxiliary policemen travel with our men at nights or on weekends and they are paid no remuneration at all. They receive no remuneration. They simply receive car mileage going to our detachment, plus a meal at mealtime.

**Mr. Haggerty:** Are they available in the village at Crystal Beach?

**Mr. H. H. Graham:** Yes, we have a detachment in St. Catharines.

**Mr. Haggerty:** Auxiliary detachment? In St. Catharines. That's about 35 miles away.

**Mr. H. H. Graham:** Welland? One in Welland as well.

**Mr. Chairman:** Does item 7 carry? Carried.

Item 8.

Carried.

Item 9.

Carried.

Vote 1504 agreed to.

On vote 1505:

**Mr. Chairman:** Criminal and general law enforcement programme, item 1, special services.

Any comments or questions on item 1?

Carried.

Item 2, transport.

Carried.

Item 3, communications.

Carried.

Item 4, quartermaster stores.

Carried.

Item 5, records.

**Mr. Haggerty:** Mr. Chairman, that deals with records of what type.

**Mr. Chairman:** Would you explain that, Mr. Minister?

**Hon. Mr. Kerr:** Yes, this is really based on the traffic law enforcement programme. There's a microfilm study. And there are records of colour processing, equipment repairs. This refers to the essential police records centre, which is a repository of re-

cords related to the operation of the force, including records of technical and specialized police services for identification purposes.

**Mr. Haggerty:** You mean every time somebody picks up a traffic violation a record is kept of it? And for how long is it kept?

**Hon. Mr. Kerr:** At present there are nearly 317 dossiers on persons convicted of criminal offences in the province.

**Mr. Chairman:** But that wouldn't be a traffic violation.

**Hon. Mr. Kerr:** No.

**Mr. Haggerty:** I wanted to know about traffic.

**Hon. Mr. Kerr:** No. My reference to—

**Mr. H. H. Graham:** The traffic records are kept by the Ministry of Transportation and Communications, to which we—

**Mr. Chairman:** They're not kept by your ministry then?

**Hon. Mr. Kerr:** No.

**Mr. Chairman:** Does that answer your question, Mr. Haggerty?

**Mr. Haggerty:** All right, yes.

**Mr. Chairman:** Does item 5 carry?

Carried.

Item 6, data processing.

Carried.

Item 7, law enforcement, uniform.

**Mr. Haggerty:** That's a big item, isn't it, uniforms. Is this the purchase of uniforms?

**Hon. Mr. Kerr:** No, this is law enforcement.

**Mr. MacBeth:** How many new men on the force, then?

**Hon. Mr. Kerr:** New men? There are 52.

**Mr. MacBeth:** Fifty-two additional men.

**Hon. Mr. Kerr:** Yes.

**Mr. MacBeth:** And some of that will be for increased salaries, I suppose and the other additional—

**Hon. Mr. Kerr:** Yes.

**Mr. Chairman:** Item 7 carried?

Carried.

Item 8, law enforcement, civilian.

**Mr. Haggerty:** Law enforcement, civilian. Now you are back to the auxiliary; what's the auxiliary to do?

**Hon. Mr. Kerr:** We have uniformed personnel. We have about 4,000 uniformed personnel at the present time, and we have about 1,260 civilian. Item 8 deals with the civilian personnel.

**Mr. Haggerty:** What do you mean by civilian?

**Hon. Mr. Kerr:** People in offices, clerks and this type of thing.

**Mr. Haggerty:** Oh, I see.

Item 8 agreed to.

**Mr. Chairman:** Item 9, Ontario Government Protective Service.

**Mr. Havrot:** Could we have some information on this item, Mr. Chairman? There is a substantial increase in the amounts.

**Hon. Mr. Kerr:** Yes, there is a substantial increase. There are 19 new people involved in this year's estimates over last year.

**Mr. Haggerty:** All the people in the halls?

**Hon. Mr. Kerr:** Yes, the protective service, for example, at Queen's Park. The people we have in the halls here in this building and the other buildings in the Queen's Park complex.

**Mr. Haggerty:** Surely the wages wouldn't be that high for 19 extra personnel? In 1972-1973 you had an estimate there and you actually spent nothing. Only in 1973-1974 did they start.

**Mr. Chairman:** Do you have a comment on that, Mr. Minister?

**Hon. Mr. Kerr:** This is the first full year. We only had estimates last year for three months for this service, and that's the difference between \$127,500 and \$909,600.

**Mr. Haggerty:** That's for 19 additional personnel then.

**Mr. Chairman:** What you are saying, Mr. Minister, is that last year's estimates were for only three months.

**Hon. Mr. Kerr:** That's right.

**Mr. Chairman:** If you would check, Mr. Haggerty, the breakdown—

**Hon. Mr. Kerr:** That was for 80 people, and this year's estimates are for 12 months for 99 people.

**Mr. Chairman:** I see in the breakdown, Mr. Haggerty, that the salaries and wages are \$803,200.

**Hon. Mr. Kerr:** I might mention, Mr. Chairman, that \$112,000 of that item, of the \$909,600, is recoverable. In other words, we charge for that service and it is recoverable for this particular item.

**Mr. Chairman:** Does that satisfy your question, Mr. Havrot?

**Mr. MacBeth:** How many months last year was it?

**Mr. Chairman:** Three.

**Mr. Havrot:** Three months.

**Mr. Chairman:** Item 9 carried?

Item 9 agreed to.

Item 10, registration.

Item 10 agreed to.

Vote 1505 agreed to.

On vote 1506:

**Mr. Chairman:** Vote 1506, traffic law enforcement programme, item 1, aerial surveillance.

**Mr. Haggerty:** How active is the aerial surveillance? For \$107,000 you are not going to cover too many aircraft. How many aircraft are involved?

**Hon. Mr. Kerr:** I will have that for you. I am just trying to work this out. There are six aircraft which support field and special services.

**Mr. Haggerty:** About how many hours would they spend on traffic control?

**Hon. Mr. Kerr:** They are located in particular parts of the province, for example, in London, Mount Hope, Downsview, Barrie, Ottawa and Sudbury. These are hired on the basis of tenders, as you know.

For example, during the eight-month operational period in 1973, the six chartered aircraft, as I have mentioned, observed 20,843 hazardous moving driving violations on 1,759 miles of marked King's highways, resulting in successful prosecutions for speeding, careless driving, following too closely, improper passing, as well as other driving charges under the code. In addition, 2,431 warnings were issued.

Mr. Haggerty: What do you mean by following too closely?

Hon. Mr. Kerr: That's an offence.

Mr. Haggerty: That's an offence, eh?

Hon. Mr. Kerr: That's an offence under the Highway Traffic Act.

Mr. Haggerty: Do they ever enforce it, though?

Hon. Mr. Kerr: Oh sure, particularly if there is an accident.

Mr. Haggerty: Yes, just when there's an accident. But have you ever been out on the Queen Elizabeth Way from here to Burlington?

Hon. Mr. Kerr: Yes. It's bad, very bad.

Mr. Haggerty: You see those big blue Cadillacs—

Hon. Mr. Kerr: My driver is the worst culprit too.

Mr. Haggerty: I was just going to mention that. I saw him go by one day, tailgating.

Mr. B. Newman (Windsor - Walkerville): They call that a rally.

Mr. Chairman: Any further questions on item 1?

Mr. B. Newman: Mr. Chairman.

Mr. Chairman: Yes, Mr. Newman.

Mr. B. Newman: I wanted to ask the minister if the ministry is looking into the possible use of helicopters in its enforcement?

Hon. Mr. Kerr: Yes.

Mr. B. Newman: I notice that some of the major cities in the United States are using helicopters, not only for enforcement but also in the case of accidents where there is a tremendous traffic tieup; they are able to direct ground personnel into the area to remove or position the vehicles in a way so that traffic can still move.

Hon. Mr. Kerr: Well, we are thinking of using helicopter service, at least initially in the north. We hope to use it for search and rescue operations, to police isolated areas such as reserves, and for quick movement in areas where there are not too many highways and where there are isolated communities.

We are not contemplating too much use of the helicopter service in the south, al-

though there is this service at the present time. Maybe the commissioner can discuss this, but it's not on a regular patrol basis. Is that right, commissioner?

Mr. H. H. Graham: Yes. We have no helicopters at the present time, but we are interested in them for emergency cases, for flying sick people out of isolated areas, for traffic control and for general transportation.

Mr. Chairman: Any further questions on item 1?

Mr. B. Newman: Yes, please, Mr. Chairman.

Mr. Chairman: Mr. Newman.

Mr. B. Newman: Yes. It kind of strikes me strange that the OPP wouldn't go into a fairly comprehensive study and a greater use of helicopters, in view of their use, even on the television movies that we see.

Hon. Mr. Kerr: Oh well, that's where you are wrong.

Mr. H. H. Graham: I'm sure they have more extravagant budgets.

Mr. B. Newman: May I inform the minister that the city of Detroit just purchased five of them for the use of the police—

An hon. member: What's the crime rate there?

Mr. B. Newman: I must admit they need them there more than we would need them in the whole Province of Ontario.

Mr. MacBeth: That's to get to the murder scene on time.

Mr. B. Newman: It is a vehicle that has to be and will be put to greater use and the sooner we get accustomed to using that type of a vehicle for multi-purpose use—

Hon. Mr. Kerr: Very expensive, very expensive.

Mr. B. Newman: I don't imagine it's any more expensive than conventional aircraft if it is performing the service. Surely the law enforcement agencies in the United States wouldn't consider its use to the extent that they are using it if it didn't serve a real purpose.

Hon. Mr. Kerr: Well, I know they use it—I watch television too—but I just wonder how much more efficient helicopters are, for example, than a real up-to-date, modern tele-

communications system, utilizing police forces and their cruisers in various areas.

**Mr. B. Newman:** I wonder if you could get to the scene of an accident to remove a victim by means of a police cruiser as easily as you could by means of a helicopter?

**Hon. Mr. Kerr:** It depends on the circumstances. If you want to phone ahead or use a telecommunication system to use a cruiser in a particular area, he doesn't have to worry about taking off and landing.

**Mr. Chairman:** I gather, Mr. Newman, that Commissioner Graham has mentioned they are considering more utilization of helicopters. Is that a correct interpretation?

**Hon. Mr. Kerr:** There is no question about it. We will, particularly, as I say, in the north and in isolated areas where travelling is difficult and to reach certain points is much more difficult than in the south. As I say this is a very expensive machine.

The trend of the force is to have the most sophisticated communications system on this continent. We have discussed digital communications where you just start punching a few buttons and you have the whole answer there. It's almost a robot-like machine and this can utilize forces all over a particular area. I can see, as I say, that in isolated areas, particularly, using that helicopter as a form of ambulance service is very important.

**Commissioner,** you may want to comment? Maybe you don't agree with me? I don't know.

**Mr. H. H. Graham:** They are very useful for special events such as rock festivals, and in congested areas, especially on weekends when it's impossible for an ambulance to come down Highway 400, for instance, on a Sunday night.

**Mr. Haggerty:** That is the point he brings out.

**Mr. Chairman:** Mrs. Campbell, do you have a question?

**Mr. B. Newman:** It does seem strange that we are using it for remote areas primarily whereas our cousins to the south of us use it in the large urban areas more so than anywhere else. I am not saying they don't use it in the remote areas also. I would think it would have a real place especially in the Toronto complex, in the "horseshoe" complex, because traffic can tie up completely on the road and no officer

can get through to the scene of an accident whereas a helicopter can drop in and drop out.

**Hon. Mr. Kerr:** You mean on the highway?

**Mr. Haggerty:** No, I'm thinking of the forensic building here. You should have a landing spot there.

**Hon. Mr. Kerr:** How is that going to help highway traffic?

**Mr. B. Newman:** Right on the highway; they do it in the US.

**Hon. Mr. Kerr:** God, you would scare the living daylight out of some poor woman who just got her beginner's licence or something like that.

**Mr. B. Newman:** Would it scare you, Mr. Minister?

**Mr. Chairman:** Mrs. Campbell has a question here if she may.

**Mrs. Campbell:** I don't want to cut anyone off; I just want a clarification. Perhaps I have missed something but earlier on we asked about the use of the OPP for rescue work. My understanding was, and I may have missed the point, that it's not going to be the function of the OPP and now tonight we are talking about rescue work. Can I get clarification on that?

**Mr. Chairman:** Could you comment on that, Commissioner Graham?

**Mr. H. H. Graham:** We certainly do rescue work. You are referring to EMO, are you?

**Mrs. Campbell:** I think that was where the discussion came up and perhaps I was confused about whether we were talking strictly EMO or the provincial police function. The discussion with the member for Thunder Bay—if I am not mistaken, or for some place in the north—the other night was on greater use. Was it a distinction between EMO and the OPP?

**Mr. H. H. Graham:** I think so. We are engaged in rescue work constantly, especially in the north.

**Mrs. Campbell:** That's what I thought at the time and I was puzzled. Could I then know what other services are in this vote?

**Mr. Chairman:** There is \$107,000, Mr. Minister.

Mrs. Campbell: This is the special services vote and I am wondering if we have covered off the other special services which would be in this vote?

Hon. Mr. Kerr: You mean you want more than the aerial surveillance?

Mrs. Campbell: I want to know if there is something more because—

Mr. Chairman: Is there something in the vote—that's item 1, \$107,000—

Mrs. Campbell: Yes, special services.

Mr. Chairman: —other than—it just says services.

Mrs. Campbell: Yes.

Mr. Chairman: Mrs. Campbell is asking for a breakdown.

Hon. Mr. Kerr: What item is that?

Mrs. Campbell: I am just wondering what—

Mr. Chairman: It is under aerial surveillance in the vote and to the side of the explanation is "services, \$107,000." I believe, Mr. Minister, you mentioned there was a rental of some six aircraft?

Mrs. Campbell: Yes, is that the total of this particular bill?

Hon. Mr. Kerr: Yes.

Mrs. Campbell: Yes, he says.

Hon. Mr. Kerr: No, it is under vote 1506.

Mrs. Campbell: Item 1, aerial surveillance services.

Hon. Mr. Kerr: Oh, right. I thought you were on another item, I'm sorry.

There's a rental of six aircraft for traffic patrol: 21 weeks, five hours daily, seven days a week, an average of \$23 an hour, and that includes the pilot. That's really what the \$100,000 is for and then \$7,000 is the additional seven per cent that was provided in 1974-1975 to cover increased rental rates.

Mrs. Campbell: And it's just 21 weeks?

Hon. Mr. Kerr: Pardon?

Mr. Chairman: Twenty-one weeks.

Hon. Mr. Kerr: Yes.

Mrs. Campbell: Could I know why? Perhaps it's been asked before.

Hon. Mr. Kerr: Well, I don't suppose there's too much surveillance done in the winter time, is that the idea?

Mr. H. H. Graham: Well, that's right. This aerial surveillance depends on the markings on the highways. So, it is for that reason that the markings have to be plain. And, secondly, because it's during the five months from May to October that the volume of traffic is the heaviest.

Mrs. Campbell: And you don't then use aerial surveillance for any other purpose than traffic control or is it in another vote?

Mr. H. H. Graham: No, it's in the same vote and we do use aerial surveillance for criminal work as well.

Mrs. Campbell: But only in the summer-time?

Mr. H. H. Graham: Yes—well, occasionally at any time of the year, but mainly in the summertime.

Mr. Chairman: Any further questions on item 1?

Item 1 agreed to.

Item 2, transport. Mr. Haggerty?

Mr. Haggerty: Yes. I would like to ask through you, Mr. Chairman, to the minister, this deals with the purchasing of automobiles, does it not?

Hon. Mr. Kerr: It deals with—yes. Automobiles, the disposal of used police vehicles, vehicle fleet insurance, repairs to vehicles, gasoline purchases.

Mr. Chairman: The answer is yes, Mr. Haggerty.

Mr. Haggerty: Are they all tendered, the vehicles? When you purchase new vehicles are tenders called?

Hon. Mr. Kerr: My information is yes, it is tendered.

Mr. H. H. Graham: Through the MTC.

Mr. Haggerty: Through MTC?

Hon. Mr. Kerr: Yes.

Mr. Haggerty: Why through MTC?

Mr. H. H. Graham: All government vehicles are bought through MTC.

Mr. Haggerty: Are there any pollution devices removed from these cars?

Mr. H. H. Graham: No.

**Mr. Haggerty:** They're all fully equipped, are they?

**Mr. H. H. Graham:** Yes, they are.

**Hon. Mr. Kerr:** Oh, they never would be removed, no.

**Mr. Haggerty:** Oh, I had some information passed on to me that some of them had been altered later on, so that they could get better performance.

**Mr. Chairman:** That's illegal, isn't it, Mr. Haggerty?

**Mr. Haggerty:** No.

**Mrs. Campbell:** Does that matter?

**Mr. Haggerty:** Not for government cars. They can do anything they want with them.

Is the gasoline tendered, too? Or how is the gasoline purchased?

**Hon. Mr. Kerr:** The gasoline? I believe you're purchasing mostly from government outlets now, is that the idea? Because of the increase in price? You don't necessarily deal with one station or anything like that?

**Mr. H. H. Graham:** No. All companies practically.

**Mr. Haggerty:** You don't deal with any individual service station operator, do you?

**Mr. Graham:** No, we mix them up. But most of our purchases are from government installations like MTC or Natural Resources, where they are available and when they're open. Otherwise it's at random service stations.

**Mr. Haggerty:** What's the average life of the cars that you purchase?

**Mr. H. H. Graham:** Seventy thousand miles.

**Mr. Haggerty:** Seventy thousand miles and then they're traded in?

**Mr. H. H. Graham:** That's right, sir.

**Mr. Haggerty:** And when they go on the used car market, are the persons informed that they've been a police automobile?

**Mr. H. H. Graham:** They're sold at auction, as is.

**Mr. Haggerty:** As is, yes.

**Mr. H. H. Graham:** They are identified as police cars.

**Mr. B. Newman:** As is? Really? Should you not be selling the car with a fitness certificate?

**Mr. H. H. Graham:** Well, they all have that.

**Mr. B. Newman:** Are you selling the cars with fitness certificates or not?

**Mr. H. H. Graham:** No.

**Mr. B. Newman:** No. Well, isn't that strange really? That the ministry of the Solicitor General would be selling cars, its own cars, to the public as is?

**Mr. Chairman:** Aren't they sold at dealers' auctions?

**Mr. H. H. Graham:** MTC auctions without licences.

**Mr. B. Newman:** Well, you would think that this agency of the government, would see that its cars are at least mechanically fit before they're released into the market.

**Mr. Singer:** Well, I am sure you do, don't you?

**Mr. B. Newman:** No, you don't do that.

**Mr. Chairman:** No, they are sold as is.

**Hon. Mr. Kerr:** They are sold as is and there is no certificate of mechanical fitness.

**Mr. H. H. Graham:** They are sold without plates.

**Hon. Mr. Kerr:** They are sold without plates?

**Mr. H. H. Graham:** Without plates.

**Hon. Mr. Kerr:** Ah, well, there's your answer.

**Mr. B. Newman:** Strange!

**Mr. Haggerty:** Well, what is the average price of a car when you sell it to a buyer?

**Hon. Mr. Kerr:** Oh, anywhere from \$300 up.

**Mr. Haggerty:** As is, I imagine you'd get about \$300 for it.

**Mr. H. H. Graham:** The average price is \$1,200.

**Hon. Mr. Kerr:** And that's how old, one year old or two years old?

**Mr. H. H. Graham:** Not one—two years old, as a rule.

**Mr. Haggerty:** Seventy thousand miles.

**An hon. member:** It depends on the mileage.

**Mr. Haggerty:** Yes, it depends upon the mileage.

**Hon. Mr. Kerr:** Would you expect seat-belts at that price, Ray?

**Mr. Haggerty:** Pardon?

**Mr. Chairman:** Do you want the date of the next auction sale?

**Mr. Haggerty:** But persons who go out and purchase those cars through a dealer would pay about \$2,400 or \$2,800, wouldn't they?

**Hon. Mr. Kerr:** No, no.

**Mr. Chairman:** Mr. Newman.

**Mr. B. Newman:** I want to ask if the ministry is attempting to develop a super-vehicle for the OPP, and likewise a vehicle that could be used by all police forces? I notice that the Windsor Police Association at one time asked the Solicitor General for a super-vehicle, and they outlined the various attachments and so forth that the vehicle should contain. I thought it was a fairly good suggestion. I thought there would be market for them. I understand that some of the forces in the United States have such a vehicle.

**Hon. Mr. Kerr:** A super-vehicle?

**Mr. B. Newman:** Yes.

**Hon. Mr. Kerr:** Would that be made in Oakville or Oshawa?

**Mr. B. Newman:** It would be a special vehicle with special equipment for law enforcement.

**Mr. Chairman:** Commissioner Graham, could you comment on that, please?

**Mr. H. H. Graham:** Yes, we have no plans for super-vehicles. We have certain specifications, but they have to do with springs, shock absorbers and so on, but not speed.

**Mr. B. Newman:** Well, the one that was recommended, as I recall, had special tires, special fittings on the inside of the car, a special motor and a special type of lighting arrangement across the top so that it would be standard and uniform for all police forces. You are not going into it at all?

**Mr. H. H. Graham:** We don't have that vehicle available.

**Mr. B. Newman:** Then what happened to the recommendation of the Police Association of Ontario at one time for such a vehicle?

**Mr. Chairman:** Could you comment on that, Commissioner Graham?

**Mr. H. H. Graham:** Well, I am not aware of that.

**Mr. Chairman:** Mr. Minister, do you have any information on that?

**Hon. Mr. Kerr:** I am sorry, I didn't hear the question.

**Mr. Chairman:** There was a recommendation of the police association, Mr. Newman says, in connection with the development of a super-vehicle. Is that correct?

**Mr. B. Newman:** Right, a special vehicle for law enforcement agencies.

**Hon. Mr. Kerr:** No, I am not aware of that. Do you mean an automobile, something like a James Bond type of thing? Is that what you are talking about? With a seat ejector and so on?

**Mr. B. Newman:** It didn't have scythes at the sides.

**Hon. Mr. Kerr:** I see.

Interjections by hon. members.

**Mr. B. Newman:** No, I mean a special vehicle solely for law enforcement—

**Hon. Mr. Kerr:** Sounds tremendous to me.

**Mr. B. Newman:**—and all the equipment that would be needed in the vehicle had been detailed fairly well by the Windsor Police Association. In fact, if I am not mistaken, then P.C. Langlois, who was president of the Windsor Police Association, made a presentation to the Solicitor General's office three or four years ago. They pressed for it quite vigorously, and the ministry was supposed to have been considering the ramifications of the production of such a vehicle.

**Hon. Mr. Kerr:** Is he the fellow whose father-in-law works for Chrysler?

**Mr. B. Newman:** Not at all.

**Mr. Chairman:** Mr. Newman, I gather Commissioner Graham has commented that

there are no plans at present for a super-vehicle or a specially equipped vehicle.

**Mr. B. Newman:** Well, I had asked—

**Mr. Chairman:** So that, insofar as your question about action on the recommendations of the police association is concerned, I gather there hasn't been any action to date.

**Mr. B. Newman:** I think I heard you, Mr. Chairman, but I was asking the minister if he was aware of the request.

**Mr. Chairman:** He said no.

**Hon. Mr. Kerr:** No, I wasn't aware of it. I'll look into it, Mr. Newman, and find out what a super-vehicle entails, what advantages are included in its structure and its operation, whether it is a speed vehicle, whether it can take off, whether it has super sensory powers. I just can't see how it would be very practical.

There is no question that our vehicles are going to be equipped, as I mentioned before, with a most modern type of communications system so that there is a sort of instantaneous operation, as far as the police officer in the cruiser or the vehicle is concerned, in his connection and communications with headquarters or with other vehicles in the area. That, in our opinion, is the most important type of extra equipment that would be included in a cruiser. Now, if you are talking about high speed ability or this type of thing, I am not aware of that and I will look into it.

**Mr. B. Newman:** I am including almost everything that you have mentioned, Mr. Minister, because there have been quite detailed descriptions of the requirements that the vehicles should contain filed with the Solicitor General back in earlier days, I would think that probably three or four years ago now. I asked this question once before.

**Hon. Mr. Kerr:** Are you sure it is not with the Attorney General? If it was four years ago it probably was.

**Mr. B. Newman:** Well, then, it could have been with the Attorney General.

**Mrs. Campbell:** Could I ask a question on this matter of the vehicles? Are they mugged or duped? Does the public, in purchasing a vehicle like this, have any idea of the record of the vehicle as to what damage or accidents that it may have involved in? When you say, "as is," do you not have some responsibility for the safety of the public on

highways as a result of the purchase of vehicles that may have been damaged seriously?

**Mr. H. H. Graham:** Well, if they were damaged and put back into service, they would be safe.

**Mrs. Campbell:** A repairman would have disagreed with you in many cases.

**Mr. H. H. Graham:** Not with our equipment. They have the white doors on them when they are purchased, and there is no question that they are police cars and have just come out of service.

**Mrs. Campbell:** I am asking, is there a log kept?

**Mr. H. H. Graham:** We keep a log—

**Mrs. Campbell:** Is it available to the purchasers?

**Hon. Mr. Kerr:** The actual mileage on the—

**Mrs. Campbell:** No, I am not talking mileage. I am talking about any accidents that they may be involved in, because it seems to me that we have to come to general legislation and the government should have a greater responsibility than anyone else.

**Mr. H. H. Graham:** Every car has a history and we keep a log. But when it is auctioned by MTC, it is auctioned as is.

**Mrs. Campbell:** And who determines whether the car ought to be put up for auction, and what are the criteria?

**Mr. H. H. Graham:** The criterion is when it has reached 70,000 miles at least.

**Mrs. Campbell:** And then you keep secret the information as to whether it has been involved in an accident or not been involved.

**Hon. Mr. Kerr:** Don't forget, it is not the same as selling to a private citizen.

**Mr. Haggerty:** When you sell it to a buyer then he sells it to a private citizen.

**Hon. Mr. Kerr:** The marking is still on that car, the white marking.

**Mr. Haggerty:** Oh, no. It goes through a paint shop, comes back out and the person who purchases it never even sees the ownership.

**Hon. Mr. Kerr:** Well, what is the difference between that and an ordinary used car? Don't

you think that type of thing is done with an ordinary used car? The dealer is buying all types of cars at auctions all the time.

**Mr. Haggerty:** When you take your car in and trade it in to a dealer, he knows the history of that car because he has the log of it.

**Hon. Mr. Kerr:** No, but you have to admit that on used car lots across this province are cars that have been bought by way of an option. Fleets have been sold, whether they are taxi cabs or institutional automobiles. All types of cars are sold and handled the same way as the OPP handle theirs. Now, I would assume that before that car is licensed there would have to be some type of indication of mechanical fitness of that vehicle before it can go on the highway. Isn't that correct?

**Mr. Haggerty:** Oh, yes. There is, but I mean how far can that go?

**Hon. Mr. Kerr:** And the people that are buying at auctions, you know, they are professionals. They know what a car is worth, what shape it's in, the type of operation it has had, whether it has been in an accident or not and whether it has been repainted and this type of thing.

**Mrs. Campbell:** They won't know, Mr. Chairman, as a result of what the minister's own officials say. They will not have the record of this car as to where it has been.

**Hon. Mr. Kerr:** They can look at a vehicle and see that.

**Mrs. Campbell:** With respect, I don't think that is true.

**Mr. Havrot:** Mr. Chairman, I've noticed on numerous occasions in the Toronto Star, for example, in the used car section where these automobiles have been clearly described by the dealer in selling these cars as provincial police cars and have had mechanical fitness tests and everything else before they can be sold. They are clearly advertised in the press, and I can take you to the Toronto Star and show you the ads over the past year. I've noticed them because I keep an eye on the used car market—not that I sell them. I've seen them many times. Even cars that are taxis are also advertised as such. They are much, much cheaper, I might add, than the normal car of the same year that's put on that market on the used car lot.

**Hon. Mr. Kerr:** I would think in comparison with a cab, that vehicle—

**Mr. Haggerty:** In much better shape.

**Hon. Mr. Kerr:** —or OPP cruiser was always kept in excellent shape.

**Mr. H. H. Graham:** It is kept in excellent shape right up until the time it's traded or sold. And that is the reason we received \$1,200 on an average for our used cars.

**Mrs. Campbell:** I'm not trying to labour the point, but if you've been at all involved in any of the cases where a car has been in an accident, quite often there will be a certificate of roadworthiness. Yet if you really get a repairman to go over it, in many cases, if he knows what to look for as a result of an accident, he can find what would amount to hairline fractures in a human being. He can find these things.

It seems to me that the government in disposing of motor vehicles ought to have a very high degree of responsibility for the public at large. I would urge that at least on the question of accidents, if there have been repairs, if a car has overturned, for example—to take the worst case I can think of, because I suppose most of them don't get smashed up, much—if this has happened, surely there ought to be a concern in putting that car back on the highway. I hope that there will be legislation of a general nature which will go beyond the certificate of roadworthiness, which is a pretty poor certificate at best, and that this ministry would give consideration to at least making available the history of the car where it has been involved in an accident.

**Mr. Chairman:** Any further comments on item 2?

Item 2 agreed to.

Item 3.

**Mrs. Campbell:** Could you tell me on communications does this refer now to some of the things we've heard before or is there something new in this vote?

**Mr. Chairman:** Is there anything new in this vote, Mr. Minister?

**Hon. Mr. Kerr:** On communications, this is Zenith and long-distance charges.

**Mr. Chairman:** Excuse me for interrupting, but if you look at this, votes 1506 and 1505 have been split, so that there are identical figures. I would gather from that—and, Mr. Minister, you and your staff can

correct me—it's the same item but it has been split in half, half assigned to this vote and half assigned to vote 1505. Is that correct?

Hon. Mr. Kerr: That's right.

Mrs. Campbell: And these are just the ordinary communications—

Hon. Mr. Kerr: Yes.

Mrs. Campbell: —and in no way a development of a communications system?

Hon. Mr. Kerr: No, Teletype rental.

Mrs. Campbell: It's an overlap for other things.

Mr. Chairman: That is correct.

Mrs. Campbell: Okay.

Mr. Chairman: Item 3 carried?

Item 3 agreed to.

Item 4.

Mr. B. Newman: Mr. Chairman, if I may ask of the minister, is the ministry using as a weapon a stun-gun? There have been comments in the US press concerning the use of a weapon that simply stuns but doesn't kill.

Hon. Mr. Kerr: You watched Goldfinger last night, didn't you?

Mr. B. Newman: No, I am sorry I was motoring last night.

Mr. Chairman: Do you mean in the quartermaster stores?

Mr. B. Newman: Yes, under quartermaster stores, do they carry it?

Mr. Chairman: Do you carry a stun-gun?

Mr. H. H. Graham: No, we don't.

Mr. B. Newman: Have you ever looked into the uses of a stun-gun and the potential of a stun-gun?

Mr. H. H. Graham: Yes, we know about them, but we don't see the need for them at the present time.

Mr. B. Newman: Why don't you see the need for them?

Mr. Chairman: There are no targets.

Mrs. Campbell: You're stunned before you get started.

Mr. B. Newman: When, in your opinion, would you have the need for a stun-gun then?

Mr. H. H. Graham: Pardon?

Mr. Chairman: The question was, when in your opinion would you have need for a stun-gun?

Mr. H. H. Graham: Well—

Mr. Chairman: And don't say during estimates.

Hon. Mr. Kerr: How about when you want to shoot up a Liberal meeting?

Mr. B. Newman: Why would you want to do that?

Mrs. Campbell: That is exactly why we are pursuing this.

Mr. B. Newman: Silence is no answer. That's quite all right.

Mr. Chairman: Is there any comment on that, Mr. Graham?

Mrs. Campbell: Surely he is entitled to an answer?

Mr. Chairman: This is a serious question—

Hon. Mr. Kerr: Is this the type of weapon—is it like paralysis gas and that type of thing? You might even say Mace is a type of—

Mr. B. Newman: It doesn't maim at all; it doesn't cripple. It simply stuns the individual and leaves him helpless so you can take care of him.

Hon. Mr. Kerr: What kind of bullets do you use? Is it a tranquillizer bullet type of thing?

Mr. B. Newman: I am not one that is familiar with the use of any type of a weapon.

Mr. H. H. Graham: Well, they are potentially dangerous and we have no reason to purchase them at the present time.

Mr. B. Newman: If the US services had used the stun-gun in the Kent State University episode, they wouldn't have had the problem that developed there, and I am just wondering if there isn't the use for a similar type of weapon with the OPP?

Mr. H. H. Graham: I don't think so.

Mr. B. Newman: Not that you use weaponry at all in your enforcement—

**Mrs. Campbell:** Could we hear what he meant by "potentially dangerous"?

**Mr. H. H. Graham:** Well, anything that stuns a person to that extent—if it were an aged person or a child, for example—could have serious consequences.

**Mr. Chairman:** Any further comments on item 4?

Carried

Item 5, records?

Carried.

Item 6, data processing?

Carried.

Item 7, law enforcement, uniforms.

**Mrs. Campbell:** Perhaps this is not the vote, but is there any way of finding out just how many women are in the service in uniform?

**Hon. Mr. Kerr:** I think it is 14 or 15.

**Mr. H. H. Graham:** There are 15 who will be taken on at about the end of this month.

**Mrs. Campbell:** How many are there now?

**Mr. H. H. Graham:** None at the present time. We hope to have 45 during this fiscal year.

**Mrs. Campbell:** Could I know the way at which you arrive at your figures? How do we arrive at 45 or 15 or one or 60?

**Mr. H. H. Graham:** Well, we have 40 places in our classes for recruits, and we thought if we had 15 in three classes, then it would be a good synchronization programme of men and women.

**Mrs. Campbell:** How would they be employed? In precisely the same way as the men?

**Mr. H. H. Graham:** Precisely.

**Mr. Haggerty:** At the same rate of pay?

**Mr. H. H. Graham:** At the same rate of pay. They will be given the same training. They will have an orientation course, then they will be accompanied by a senior constable during the first year on the highway or in the detachment, whatever work area they are in.

**Mrs. Campbell:** And what would be the opportunities for promotion?

**Mr. H. H. Graham:** The same as the men.

**Mr. Chairman:** Shall item 7 carry?

**Mr. B. Newman:** No.

**Mr. Chairman:** Mr. Newman.

**Mr. B. Newman:** Are there height and weight qualifications for the force?

**Mr. H. H. Graham:** Yes.

**Mr. B. Newman:** And are they the same for the women as they are for the men?

**Mr. H. H. Graham:** No, they are 5 ft 4 in for women and 5 ft 8 in for men.

**Mr. B. Newman:** Then don't you discriminate against the small man who would like to join the force? I have had brought to my attention the case of a fellow by the name of Guy Dorion, 5 ft 7 in tall, not being allowed to join the force, and he objects to being discriminated against.

**Hon. Mr. Kerr:** Mr. Newman, as you know, at the present time, the regulations require a minimum height for men; so until we change that regulation, we will have to stick to it. Now the task force report, if you have a chance to look at that, recommends that the height for men be lower and that that not be a major criteria. Whether or not this will apply to women, I'm not sure, but this is the general substance of the recommendation of the task force. Height and weight should not be a basic criteria.

**Mr. B. Newman:** I bring this to your attention because a 5 ft 7 in constituent of mine who had applied was refused yet a lady can apply and be accepted. You really are, at present, discriminating against the smaller sized individual when it comes to joining the OPP.

**Hon. Mr. Kerr:** That's true. You might say there's a—

**Mr. Chairman:** Thank you, Mr. Newman. Shall item 7 carry?

Carried.

Item 8?

**Mr. MacBeth:** Mr. Chairman, before you finish the totals here, when you talked about the communications, you talked about it being a split vote between vote 1505 and 1506, but you've added it in, have you not, in the totals of each one?

**Mr. Chairman:** It's half and half.

**Mr. MacBeth:** I don't think they add up that way. I didn't do it with an adding machine but—

**Mr. Chairman:** It's split. It's split between the two votes in any event.

**Mr. MacBeth:** Half and half? So you've got a little bit too much in your total?

**Mr. Chairman:** That may be.

**Hon. Mr. Kerr:** Just a minute. Which one are you talking about?

**Mr. Chairman:** Yes, this has eight items; the other has 10 items.

**Hon. Mr. Kerr:** You're talking about 1505 and 1506?

**Mr. MacBeth:** No, communications, 1505, item 3, and 1506—

**Mr. Chairman:** It is \$2,303,400. The next items are the same; 3, 4, 5, 6, 7 and 8 are the same. Of course, there are additional items in vote 1505 so the totals would be different.

Vote 1506 agreed to.

**Mr. Chairman:** That completes the estimates of the Ministry of the Solicitor General.

The committee adjourned at 10:25 o'clock, p.m.

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# Legislature of Ontario

## Debates

Ontario. Legislative Assembly

### ESTIMATES, MINISTRY OF NATURAL RESOURCES

Standing Resources  
Development Committees

Chairman: Mr. R. K. McNeil

OFFICIAL REPORT — DAILY EDITION  
Fourth Session of the Twenty-Ninth Legislature

**Tuesday, May 7, 1974**  
Afternoon Session

Speaker: Honourable Allan Edward Reuter  
Clerk: Roderick Lewis, QC

THE QUEEN'S PRINTER  
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# LEGISLATIVE ASSEMBLY OF ONTARIO

TUESDAY, MAY 7, 1974

The committee met at 3 o'clock, pm.

## ESTIMATES, MINISTRY OF NATURAL RESOURCES

**Mr. Chairman:** Mr. Minister and gentlemen, we will come to order.

**Hon. L. Bernier** (Minister of Natural Resources): Let me open my remarks, Mr. Chairman, by extending to you my congratulations on your selection.

**Mr. Chairman:** Thank you.

**Hon. Mr. Bernier:** I think the committee has made a very, very wise choice. I understand that Mr. Wiseman is the vice-chairman so we have a very able and competent chairman and vice-chairman.

Mr. Chairman, in my opening remarks I'd just like to review briefly the highlights of my ministry's programme since the consideration of my department's estimates last fall.

Our reorganization has been virtually completed, and as you know it was our concern that the decision-making process, particularly, those decisions which most directly affect the day-to-day affairs of the citizens of Ontario, should be made in our district and regional offices and that these offices should be located in as many convenient key communities as possible.

We now have eight regional offices, four of them in northern Ontario and four in southern Ontario. There are four assistant deputy ministers, two with responsibility for operating programmes and two responsible for policy formation. I am very happy that Keith Reynolds has joined the Ministry of Natural Resources. He comes to us as the new deputy minister.

Dr. Reynolds, as you know, was a member of the former Department of Lands and Forests and he brings to his new assignment a wealth of experience gained not only in that department but in the various senior government posts he has held in recent years.

We have increased the number of our district offices from 21 to 49. In northern Ontario we now have 27 district offices, up

from 13, to reflect our concern to provide a better administration closer to the major centres of population, and of course to take into account the great distances that northerners must often travel between communities.

The responsibilities of the Ministry of Natural Resources cover a very broad spectrum. Our activities affect the daily lives of most citizens of this province, and it is the government's determination that our field and regional organizations become sensitive to their needs, and in fact give to each citizen of this province the services he requires and desires.

I would hope that the members of this committee and indeed all members of Parliament would assist us in the ministry by drawing to our attention instances where this has not happened, and we will move at once, of course, to correct whatever problems are found to exist.

Of particular interest to all of us are the special needs of our native people, many of whom live in remote settlements of the far north.

Just over a month ago, Mr. Chairman, the Ministry of Natural Resources held a conference with representatives of the Treaty No. 9 Indian bands to discuss some of the special needs and ways in which the Ontario government might assist those various bands in these remote areas.

As a result of this Northern Ontario Remote Area Communications and Transportation Conference, called NORACT, two experimental winter roads will be constructed this year.

One will be built from Moosonee to Attawapiskat, and another will be built from Pickle Lake to Round Lake, with construction to commence by Dec. 1 of this year, hopefully, in an attempt to maximize transportation cost benefits to the affected communities.

It is our concern that steps be taken to reduce living costs in the remote northern settlements. The government's airstrip programme has been of marked benefit in guaranteeing availability of supplies and emergency transportation, but I believe that

there is still much to be done in improving access to these communities for the delivery of food and other supplies at reduced costs. I also believe that these reduced costs should be reflected in lower prices Indians have to pay at the store.

Beyond these two experiments we are making a concerted effort with the assistance of other ministries to gain an accurate picture of the whole situation with respect to costs in remote communities throughout northern Ontario.

I have agreed with the chiefs who attended the conference, to work with them and to make available to them our findings at the first opportunity. The winter access tote roads I referred to a moment ago will be constructed by the northern Ontario resources transportation committee under its budget of \$4.4 million. This committee undertakes projects directly or in co-operation with private companies.

This year's shareable projects include a salvage road to remove trees blown down in last year's severe storm on Dryden Paper Co. limits. Other roads will be built in co-operation with the Great Lakes Paper Co. Umex Mining Corp. in the Pickle Lake area, United Asbestos in the Matachewan area and the Great Lakes Nickel Co. in the Thunder Bay area. Other new roads will be built to include portions of the Armstrong Rd. and the Gull River bridge, the Red Pine Rd. in the Smooth Rock Falls area, the Ranger Lake Rd. and a new road easterly from Sioux Lookout to Highway 599. Improvements will also be made to the Manitou Rd. and to the Garden Lake Rd. in the Thunder Bay areas.

The government, through my ministry, maintains a very active resource access road system in co-operation with forestry and mining companies. These roads serve not only the immediate purposes for which they are built—to open new areas for development—they also extend our highways system to provide to the public road access to recreational areas.

Included in this programme this year and reflected in these estimates is a 66 per cent increase in the level of funding for maintenance of our forest access roads, our logging and recreational roads. It also includes a 40 per cent increase in the level of funding for the construction of forest management roads for our silvicultural and regeneration programmes.

Last fall the Ontario Centre for Remote Sensing was established to assist in the study

of resource management. The main functions of the centre are:

1. Professional interpretation of space and airborne imagery to Ontario ministries as required. For example, the investigation of sulphur fume damage at Wawa and Sudbury; forest sampling techniques; a forest inventory at Attawapiskat; a stream flow study (at Kawashkagama); shoreline erosion studies at various sections of the Great Lakes.

2. Conducting research programmes related to sensors, image processing and interpretation techniques.

3. Training programmes in airborne sensing, remote sensing data processing systems and interpretation techniques.

4. Maintaining of a central satellite image library and remote sensing information service for the general public.

Mr. Chairman, while last year's fire record was one of the best we have experienced in many years, there were approximately 1,100 forest fires affecting some 9,000 acres of land.

Last year I reported that we would be using ministry land-based tracker aircraft for fire attack from several bases in northern Ontario. These newly modified aircraft will attack fires by bombing them with fire-retardant liquids. Our land-based aircraft were active in 40 forest fires last year. This year we will have six tracker aircraft available for the initial attack from bases at Dryden, Sudbury and six satellite bases to support our present water-based fleet. Retardant systems are located at: Armstrong, Red Lake, Thunder Bay, Timmins and Kenora.

For the prevention of man-caused wild forest fires, a considerable amount of prevention material has been produced. Various pamphlets and a number of television films have been prepared and will be used this summer to acquaint the public with the need for care when flammable materials are used in forested areas.

Fire detection will be almost entirely by fast, light, twin-engine aircraft as opposed to lookout-tower observation. New equipment and techniques are continuing to be developed to find alternatives for preventing, detecting, suppressing and maintaining communications in the fire-control field.

We view our firefighting capabilities as a top priority matter in the ministry both to ensure our forest production policies meet their objectives and that adequate fire protection is available for all northern communities.

This year, my ministry is proposing to spend \$23.8 million on forestry management programmes, an increase of \$2.1 million over last year. Of this amount, approximately \$1.3 million represents additional funding to implement the second-year programme of our forest production policy which is designed to yield 9.1 million cunits of wood by the year 2020.

This year the government has doubled Crown dues and expects a return in revenue of more than \$28.6 million. This figure, however, does not reflect the expected increase in volume of between seven and eight per cent.

The ministry is also taking steps to improve the supply of hatchery fish. Commencing in 1975, our rearing facilities will be greatly expanded.

Plans for the design and construction for the new Lennox hatchery in southeastern Ontario will be ready for tendering this fall. This facility will accommodate the extensive demand for fish in southeastern Ontario and will greatly accelerate the rehabilitation of the lower Great Lakes and particularly Lake Ontario.

At the same time, plans for a new sub-station at Dorion will be ready for tender for construction by early 1975. This expansion of rearing facilities at the Dorion fish hatchery, will provide the necessary stocks for inland waters of the northwest as well as for increased stocking of Lake Superior. As well, co-operative studies with the University of Guelph are providing valuable assistance in disease diagnosis, treatment and the preparation of disease control procedures for our fish hatcheries.

A start will also be made on a management unit development on Lakes Superior, Huron and Erie to meet crisis situations and a start on the Algonquin unit will also be made.

Because of signs of stress on our lake trout populations, restrictions have been imposed to protect this species. There are only about 2,000 lakes in Ontario containing lake trout and with the increasing demand for recreational fishing, it is clear that controls will be necessary if we are to fulfil our responsibilities to the public to continue to protect this important species.

Our surveys and mapping branch has commenced a three-year pilot study of an improved system of recording, storing and displaying the land base of Ontario to define one comprehensive system which permits visual and rapid geographical correlation of

the physical properties, resource, legal status and the use of land in Ontario.

As you know, the government has attempted to deal as effectively as it could with problems in southern Ontario created by record high lake levels along the shores of the Great Lakes. It appears that lake levels will remain high for another year or so with the possible exception of Lake Ontario where it has been possible to reduce the flood hazard by flow regulation.

In recognition of the continuing hardships suffered by many property owners and problems faced by municipalities, the government has established a number of provincial programmes, under which various forms of assistance—

**Mr. E. Sargent (Grey-Bruce):** If it's no better than the last one, forget it!

**Hon. Mr. Bernier:** —are available to both property owners and municipalities including the shoreline property assistance Act passed by the Legislature in May of last year. I thought that member resigned.

**Mr. E. M. Havrot (Timiskaming):** His wife just kicked him out of the house.

**Hon. Mr. Bernier:** To expedite the delivery and administration of these programmes, the government has established the flood damage working group. This group has been empowered to allocate funds immediately and to draw on the physical and technical resources of other ministries and government agencies for equipment, supplies and engineering support.

Prompt response is possible because responsibility is decentralized to our district managers who are empowered to take action and have also the support of the Ministry of Transportation and Communications and the conservation authorities in the affected areas.

**Mr. J. E. Stokes (Thunder Bay):** What page are you on?

**Hon. Mr. Bernier:** Eleven. In addition to the field staff, my ministry has provided five members of this 12-man working group, including my assistant deputy minister for lands and waters and the director of my engineering services branch. Other members come from five other ministries.

In the field of recreation, Mr. Chairman, steps have been taken to acquire additional lands near major urban centres in southern Ontario to provide additional park facilities. Our parks planning process now includes detailed discussions with the affected publics

and public review of park planning programmes.

Special arrangements have been made to support policing activities in provincial parks this year. Conservation officers and members of the Ontario Provincial Police will be available to all parks and concerted efforts will be made on holiday weekends to control rowdiness in our provincial parks. In addition to this, stepped up policing activities will be made throughout the entire season.

We are continuing to press ahead with reconstruction of historic sites. I am sure that you will want to discuss our programme at Old Fort William near Thunder Bay, and despite some ill-informed journalism this past spring, I am confident that this project will be an outstanding benefit not only to north-west Ontario but the entire province, and I say that with some enthusiasm.

Additional revenues from the mining industry will be obtained this year, Mr. Chairman. Our revenue last year from this industry came to approximately \$46 million. This year we anticipate revenues of approximately \$85 million. The changes in the Ontario mining tax rate are on a progressive scale up to a maximum of 40 per cent on taxable income exceeding \$40 million. This we feel is a more equitable system of taxation than that which has been selected by some other provinces.

A progressive taxation rate with no tax payable on the first \$100,000 of taxable revenue is beneficial to the marginal producers, while placing a higher tax burden on those in a better position to pay.

Statistics Canada preliminary figures for 1973 show that Ontario produced 2.2 times the dollar value of metallic minerals production in British Columbia and 4.2 times that of Manitoba. The government of British Columbia estimates that it will raise an additional \$20 million with its proposed system.

Interjection by an hon. member.

**Hon. Mr. Bernier:** Manitoba plans to raise an additional \$12 million to \$15 million if all metallic minerals are designated.

Interjections by hon. members.

**Mr. Stokes:** There is no doubt about it, this is a socialist province.

**Hon. Mr. Bernier:** Ontario plans to raise an additional \$38.4 million through its mining tax increases.

**An hon. member:** The Northern Miner keeps getting upset at these things.

**Hon. Mr. Bernier:** I hope that we will have an opportunity to show you the wisdom in our decision.

Greater exploration activity now is vital to the future of the Ontario mining industry. If the risk-reward ratio becomes unattractive the exploration effort that should be made in Ontario could be attracted elsewhere. We consider the deduction of exploration and development expenses incurred in Ontario, in computing the mine tax, essential to the further stimulation of mining exploration.

Furthermore, the taxation of mine profits as instituted in Ontario does not discourage the mining of low-grade ores since operating costs are subtracted from revenues for tax calculation purposes. As well, the Ontario system does not encourage high-grading but rather stimulates the extraction of lower-grade ores and thus assists in the conservation of mineral resources.

This past year 18,170 mining claims were recorded for a total of 30,065 claims in good standing. There are today some 50 metal mines in Ontario, 14 of which pay 95 per cent of the mining tax.

A total of 123 townships in southern Ontario have been designated under the Pits and Quarries Control Act and 500 licences to operate pits have been issued. Rehabilitation costs submitted to the ministry for 73 properties amounted to \$800,000.

A study of the aggregate deposits has been completed by a firm of consultants and will be made available in the very near future to the public and the aggregate industry.

My ministry's mine safety and engineering programme has continued to be one in which I have taken a direct personal interest throughout this past year, and of course I will be very happy to discuss this programme—

**Mr. F. Laughren (Nickel Belt):** Must be proud of that.

**Hon. Mr. Bernier:**—during the course of our discussions, and the results of my meetings with union representatives.

As it did last year, again this year the conservation authorities branch of my ministry will provide employment opportunities for almost 1,700 young people to participate in environmental ecological programmes. The Ford Motor Co. of Canada has also participated in the SWEEP project by providing 140 vehicles at nominal costs to the government. A total budget will be available this year of more than \$2 million for this pro-

gramme, being 100 per cent of the programme cost.

I would like to congratulate the conservation authorities of the Province of Ontario for the co-operation that they have given to the government in the reorganization of this activity. We consider the work of these 38 conservation authorities of vital importance to our land management programme through the controls they exercise over 41,000 square miles of land.

Mr. Chairman, this completes my review of ministry highlights. I know that the members of the committee are anxious to discuss many items of concern to all of us. My officials are here with me today to discuss all aspects of my ministry's programmes for as long as the members wish.

Mr. Chairman: Speaking on behalf of the Liberal Party is Mr. Haggerty.

Mr. R. Haggerty (Welland South): Thank you, Mr. Chairman. I want to congratulate the minister this year for at least giving us a copy of the opening address to the committee this afternoon.

Hon. Mr. Bernier: May I have a copy of yours?

Mr. Haggerty: Even if we only got it half-way through, that's a lot better than it was last year.

Hon. Mr. Bernier: We improve every year.

Mr. Haggerty: But the whole concern of all the committee members here, I think, is the lack of advance information so that we may properly scrutinize the different expenditures when you're in a particular vote. We kind of miss the annual report that the minister usually tables in the House, and I understand it should be some time in August before that report will be ready. I feel that we are sitting here at a disadvantage in that we don't have all the information before us to properly scrutinize the different votes.

Your speech is similar to what it was last year. I think the one thing that all members can agree upon is that you've increased the revenue from mining tax to \$38 million from about \$17 million. I think this was long overdue.

You were big again this year in the matter of the Pits and Quarries Act. You will still not bring it to apply all through the Province of Ontario, however, I know there are areas in Niagara South or in the Niagara

Peninsula as well as other areas throughout Ontario where you do not apply this regulation. The present pit operators are just running rampant throughout the community, extending their boundaries to obtain additional land for quarrying operations.

You have applied the ban on pit operations pretty well on the Niagara Escarpment and this allows the pit operators to extend in other communities. I think other communities must have this protection too.

You've missed some of the key issues facing your ministry and this deals with the different reports that have come down in the past year, the one in particular that deals with foreign ownership in the mining industry in Ontario. You've mentioned nothing about whether you are going to accept any of the recommendations. You missed the points in the interim report of the select committee on economic and cultural naturalism.

I was wondering if you are going to accept any of the amendments this year—bring in legislation, perhaps, or even regulations that will apply to some of the recommendations, particularly those relating to public lands and public access.

I think it is most important that you follow the recommendation on page 39—if the minister is not aware of it—section 7, which has regard to all disposition of Crown lands to non-Canadians. The committee recommends that the Ministry of Natural Resources' policy in this respect conform to the committee's previous recommendation regarding foreign ownership of land in the private sector.

Specifically the committee recommends that the Crown lands be banned to other than Canadian citizens or landed immigrants resident in Canada, or to corporations less than 75 per cent owned by Canadians or landed immigrants resident in Canada. The committee recommends that other corporations be entitled to lease Crown lands where appropriate and on appropriate terms and conditions.

I don't think some of these conditions apply today to many of them. Then it goes on to say, in the final report on it—the recommendations on public land and public access—there are about a dozen recommendations that apply to that field. I think that the minister should adopt some of them to protect our natural resources and to protect access for our future generations to many of these wonderful resources that are available in the province—particularly to the

lakes and rivers and streams throughout Ontario.

I hope that the minister will move in that direction. I am sure he is concerned about the recent decision of the Supreme Court of Canada involving four American owners who obtained the rights to the beaches, not through the title of the land but through the Limitations Act. This is a roundabout way that they can use to go in and extract land belonging to Ontario citizens for their own right.

I think that the hon. minister should be looking at this more closely and perhaps bringing in regulations to apply to the descriptions of property along the lakeshore. I believe it was in 1968 that the recommendations were to be coming on the definition of Crown lands. I think the minister is a little bit lax in this and he should be moving in that direction to bring it under the control of his ministry. Then we are not going to lose any more of it to any foreigner.

The other concern is, perhaps, the matter of the decentralization of your department; you are establishing 17 more offices in northern Ontario aren't you? I think this is a step in the right direction. I think this is perhaps a warning over the petition, which was being moved and presented to the people of northern Ontario, that they wanted to secede from the Province of Ontario. I think the minister recognizes the situation now.

**Hon. Mr. Bernier:** Pretty small petition.

**Mr. Haggerty:** It may be a small petition but it is getting through to you; you can see by this, and listening to the Throne Speech.

**Hon. Mr. Bernier:** I don't know, was it?

**Mr. Haggerty:** In the Throne Speech and the budget speech the government said it is going to move in northern Ontario to provide local government administration. I think this is the right move but again it is going to cost money. I think this is where your department is going to have to share in some of that responsibility, to help bring about the formation of local government structure in that area.

**Mr. Stokes:** What area?

**Mr. Haggerty:** You mention about the fire matters concerning your programme for fighting forest fires but I think you are going to have to branch out further than that. You are going to have to move in perhaps,

to these smaller communities with some equipment and place it there so they can share in the fire protection services in that area. I hope the minister does that.

There is nothing mentioned about exploration for gas and oil in the James Bay area and perhaps in the Hudson Bay area. There were comments in the Throne Speech and the budget speech that hopefully they were looking for exploration in that area. The government has proposed an Arctic pipeline to come down along—is it the easterly or westerly shore of James Bay? It is supposed to bring in the eastern gas supply from the Arctic. I don't see anything mentioned in your report how this is going to come about.

Have you made any ecology studies in the area? What effect will it have on the total environment, the impact of the gas line in this area? I think it will be a welcome improvement to northern Ontario and perhaps it will bring in certain other industries to the area. Housing will be constructed and citizens will perhaps have some of the comforts of people in southern Ontario by this development. Again, it is going to be costly and I haven't seen anything in here about how this is going to be done or whether your department is going to share in the expenditure; or whether any studies will have to be done on the environment or ecology.

The other concern is the high water levels in the Great Lakes system. You mention there are controls on Lake Ontario and I think we are all aware of this but there are no controls whatsoever, I believe, on Lake Erie. Your chairman has seen this from the aircraft and in studies by the land drainage committee. He knows the situation and knows the problems.

**Mr. W. Ferrier (Cochrane South):** Quite a trip, wasn't it?

**Mr. Haggerty:** Was it?

**Mr. Ferrier:** You remember that?

**Mr. Haggerty:** I was doing something different. There is nothing in here to say what you are going to do to control the levels of water on the Great Lakes system, particularly Lake Erie, Lake Huron and Lake St. Clair. I am sure the minister has some powers of control over the waterways on the Great Lakes system whether it is through his department, through the Ontario Hydro Commission or through the International Joint Commission.

There is a problem on the Great Lakes system. In particular there was a report—I believe it was in 1952—by a select committee dealing with the high levels of water in the Great Lakes system. To this date you have not accepted any of the recommendations of that committee and I was wondering if you intend to bring in regulations which will apply to planning along the shoreline of Lake Erie? For example, the Niagara region, in its official plan, has the region along the shoreline designated as a hazardous area but, of course, it doesn't tell any property owner to build back so many feet from the lakeshore.

Some will build right out on a crest of a sand hill and the movable waters of Lake Erie will wash the sand hill away and down comes the house.

I have seen the situation on Turkey Point. You allowed development in that area and people built right out on the point. The time we flew over it with the committee it was completely under water, I believe at that time. There were very few roads left open for travel at all.

I suggest to the minister that he should bring in some type of shoreline planning along the Great Lakes system that perhaps people who construct cottages there will be back far enough that there will be no damages done. I just want to say that when you have one or two persons who have a problem with land flooding, it's not a crisis, but when it affects about 240 miles of shoreline, it becomes a crisis. For government to go in and say that it will assist in controlling the shoreline, building dikes or walls or retaining walls or so forth, I just can't see the government getting into that type of an expenditure.

I know under the existing—is it the Shoreline Protection Act?—

**Hon. Mr. Bernier:** Right.

**Mr. Haggerty:** —it says that they will pay the cost, but eventually I think the government is going to be trapped into sharing some of that cost and I think if we do it by planning, we will not get involved in it.

There are other matters perhaps that other committee members would like to discuss but these are some of the issues that I thought should be there. Perhaps one of the most important ones and I think you mentioned it, would be touching on the environment of certain lakes in Ontario and problems in the waterways caused by  $\text{SO}_2$ , and the problems caused to our forest industry in Ontario.

I am just wondering about this year, with the increase in mining profits to industries in the Province of Ontario. Perhaps, Mr. Chairman, I would like to read these. This is from the Timmins newspaper. "Chamber Fears Tax Bill Kills Projects." It says—I am quoting:

Prices go up. Strong world demand for materials, metals, higher gold prices and inflation have helped brighten the profit picture for most mining companies. It was record profits in 1973 that led the province to seek more revenues. The profit picture at the end of 1973: Texasgulf up 140 per cent to \$73.9 million, International Nickel Co. up 106 per cent to \$227 million, Noranda Mines up 75 per cent to \$221.4 million, Falconbridge Nickel up 770 per cent to \$47.9 million, Dome Mines Ltd. up 100 per cent to \$14.7 million and Placer Development up 333 per cent to \$71.8 million.

**Mr. E. W. Martel** (Sudbury East): Going to bankrupt them?

**Mr. Haggerty:** No, I am not going to bankrupt them, but since he was talking about environment, I wish he would give more consideration to the in-plant environment of persons or men employed in this type of industry, or give them the best of hygienic working conditions that can be provided in any industry in Ontario which has such profits as this. There is no reason why Falconbridge can't come up with a good pollution abatement programme in that area, not only for persons living outside the community but in the in-plant environment.

I know the member for Sudbury East raised this question last year about the conditions of the men employed in that industry and he was a little bit shocked that the minister's staff even agreed that the conditions were that bad, that they hadn't lived up to this—I believe it was—\$40 million commitment, wasn't it, for new development or new processing in that area and apparently they have no intentions of coming through. Unless the minister can give us his word that they are going to live up to these commitments, then I think he should start to crack the whip—and he has the power to do it—so that there are good, clean in-plant environments for these men, not to be working in under those conditions.

We see the matter concerning the uranium industry in the Province of Ontario and of course I have had persons tell me it's one of the cleanest places to work. It can be the cleanest place to work depending on what

person is going down into the mine to see it at that time. But there are conditions there that I think the minister should be looking at.

We have seen reports in the papers that there is a kind of radioactive material being dumped out into the open lakes and rivers in that area and it may eventually cause a certain problem to the people in the area, not only there but all over the Province of Ontario.

I suggest to the minister that he come in with a good in-plant environment programme for the workers in the mining industry in Ontario.

My other concern with the minister is one he didn't touch on here. This is from the auditor's report of 1972-1973. Perhaps I should read this into the record; I don't know how many members have read it.

Observations and recommendations arising from an audit of revenue records for the Ministry of Natural Resources set forth in memorandum to the ministries—some of the more significant items are repeated herein in the following paragraphs. [It's interesting.]

A review of the outstanding acreage tax accounts which totalled \$974,025 at Jan. 31, 1973, indicated that approximately 30 per cent of the balances were at least 12 months overdue and that in many cases the lands are subject to forfeiture action.

I think the minister's department and his staff are a little bit lax. This is revenue that the province should be out after and they should be getting it into the province. It goes on to say:

One of the major factors in the assessing of mining tax is the amount at which the mine assessor appraises the value of output at the pit's mouth. The prior audit report on the former Department of Mines and Northern Affairs, in commenting on the discretionary powers given to the mine assessor in this regard, stated that the methods of appraising the pit-mouth value of output of mines have been set and practised for a number of years. The recommendation was made that certain of these methods common to all situations should be stated in the Mining Tax Act or the regulations made thereunder.

And, of course, I suppose if you look into it there are probably a number of loopholes that could be found by the mining companies and a loss of revenue to the Province of Ontario. I suggest that the minister should take that recommendation and put it in there

by regulation and not leave it to a person to say, "Well, in my judgement this year we'll be a little bit lenient with you and we'll reduce the mining tax this way"—or mining assessing. There are other articles here, dealing with Ontario Hydro, for example:

The Hydro-Electric Power Commission of Ontario is administered by the Ministry of Natural Resources, but the rentals received are transferred to the Ministry of Treasury, Economics and Intergovernmental Affairs at regular intervals and form a part of the total revenue at this latter ministry.

Comment was made in the report to the minister on the prior audit of the former Department of Lands and Forests concerning the proposed change in the rates to be charged for water power leases and the inconsistencies that were noted in the charges and payments under these leases. This situation has not changed during the current audit period. The majority of the leases which had expired a number of years ago still had not been renewed or replaced.

Now that's an interesting comment by the auditor. I suppose perhaps there are private firms or private corporations in the Province of Ontario that maybe have a similar agreement with the Province of Ontario or with the minister's department here. Perhaps the province is losing additional revenue by not bringing these agreements up to date. Perhaps with everything else, the cost of inflation and that, surely the rate structure should be changed to a higher level. Quoting from the auditor's report again, item 101:

Interest Charges and Security Deposits Under The Crown Timber Act, Ministry of Natural Resources.

The regulation under the Crown Timber Act states that interest at eight per cent is charged on stumpage charges which remain unpaid after demand or due date. The due date referred to, however, is not defined or limited by the regulation, but is currently set by ministerial policy. The report on the prior audit of the former Department of Lands and Forests made comment on this policy and recommended that a definite time between billing date and due date should be included in the regulations. The situation has not changed during the period under review. It is again recommended that the due date be fully defined in the regulation. Similar comment was made in our report for 1971-1972.

I guess your ministry does not follow some of these recommendations and, again, I think it's a loss of revenue to your department in particular. I guess when you sit down and go through your estimates you'll find that perhaps the cost of reforestation is being paid almost directly by the province, and the loss of the timber sold to the companies involved does not even cover the cost of reforestation. By looking at the loopholes here and the laxity in your department in collecting the revenue, I think your knuckles should be rapped severely for this, Mr. Minister.

With those comments, Mr. Minister, we will deal with the other parts of the estimates perhaps in more detail.

**Mr. Chairman:** Mr. Ferrier, speaking on behalf of the New Democratic Party.

**Mr. Ferrier:** Yes, Mr. Chairman, my first remark should be one of congratulations for your election to this very important office and we look forward to the deliberations under your control. Of course, I am also pleased to congratulate the hon. member for Lanark (Mr. Wiseman) for being chosen as the vice-chairman here—

**Mr. Laughren:** Where is he?

**Mr. Haggerty:** All members of the drainage committee.

**Mr. Ferrier:** You know I think that the drainage committee has a little bit of pull around this place and we will make you aware of the problems of the beaver and so on as these estimates go on.

I have, to back me up, a very able battery of colleagues and they will be entering into this fray as the estimates unfold.

**Mr. T. P. Reid (Rainy River):** A battery?

**Mr. Ferrier:** I had hoped my friend from Essex South (Mr. Paterson) would be here to do a little bit of fencing and presenting these points of view of the Liberal Party along with the hon. member for Welland South. Perhaps we will see him later on in the debate.

This year saw the tabling by the minister of the report of the advisory committee on the revision of the Mining Act, and when this committee was set up it was set up of personnel who were totally involved in the mining industry itself, or else civil servants who were very close to it from this ministry. It illustrates how much this ministry is the handmaiden of the mining industry and likes

to be directed by pretty well what it says. This suggests to me that the sweetheart agreement that we have contended has always been there between the Minister of Mines and the mining industry continues to persist.

**Mr. Martel:** I will support that.

**Mr. Laughren:** It is even increasing.

**Mr. Ferrier:** And I am glad that I do have the support of the hon. member for Sudbury East.

**Hon. Mr. Bernier:** One side of the House.

**Mr. C. E. McIlveen (Oshawa):** That's a real shocker.

**Mr. Ferrier:** I wouldn't doubt that he would support it and express this point much more forcefully than I am doing.

**Mr. Laughren:** There is a rumour that Stephen Roman is the next deputy minister. Is there any truth to that rumour?

**Mr. Ferrier:** Now this report on page 3 says that they want the ministry to continue the same rapport with the industry because this has resulted in the best mining legislation in the world, it suggests, for the mining companies. So reactionary were some of the recommendations that on page 26 they make the recommendation that mining should be permitted in parks. The minister himself has rejected this recommendation in debates in the House and in question period and so on, but we have this committee making that kind of recommendation.

Mind you, I think that in future parks a good deal of consultation must go on within your ministry to decide the possible mineralization of a particular area, and the mining geological branch and your parks branch should consult on that matter. But I cannot see any justification for this recommendation and I hope that the minister has no intention of changing his previously stated policy on it.

They make no discussion of the mines profits tax. Perhaps this wasn't within their terms of reference, but it is no surprise that they did not make any mention of that.

The other section that really bothered me was section 113 where this committee recommended the repeal of this section which calls for processing in Canada unless exemption is obtained, and this committee prefers incentives rather than punitive legislation. I suppose they would give the country away if they thought it was worthwhile. It is sort of the colonial attitude that persists with a

lot of people in their relationship to the mining industry.

I feel that this legislation had a significant role to play in the construction of the zinc refinery by Texasgulf in the Timmins area. I think that the fact that exemptions are allowed, if good reasons can be given for not processing in Canada, has helped some of the smaller operators to actually go into production of a very small ore body.

I think that there had been too many exemptions given and I would hope that the minister will be prepared to table in this committee before we get to those items on mining, the exemptions that are now in force. But, again, I have to say that this section must not be repealed and if anything we should tighten up on it.

This committee, of course, did not want any prohibition of foreign control. Just a very slight restriction on it. They wanted conditions to prevail that would permit most United States-dominated companies to continue to get leases and patents. There seemed to be little change in the chapters on mining land acquisitions and title as if they did not want change in the policies of giving away resources.

The minister has said that he is going to consider that report and wants feedback from people until the end of June. I hope that some of the things that he or past ministers have done of value are not now going to be repudiated on the basis of a report that represents almost completely the present mining industry.

We have listened to many debates in this committee and in the House on the whole subject of mining safety. Again, there has been a reluctance by this ministry to enforce the present Act or to strengthen it in a number of areas.

When we were going through the revisions to the Mining Act in 1970, one of the major things we fought for, which was turned down categorically by the then minister, was for a greater involvement in safety by the working people in the mines. The management people from Inco and whoever it was sat over there and objected to it—

**Mr. Martel:** They fired him.

**Mr. Ferrier:** Well, he got fired, but he did his job at that time and the minister went along with what he said. Now, I would like to see this minister that we have today, reconsider that stand and amend the legislation to give the unions and the working people some say in this whole safety question.

He doesn't have to be a trail blazer by any means. This is not something now that does not have precedence elsewhere. I would like to read from a press release of the Hon. Leo T. Nimsick, who is the Minister of Mines and Petroleum Resources of that great Province of British Columbia. It is dated Oct. 22, 1973. He was making amendments to the Mines Regulations Act which had been passed. Among the things he says is this:

The new regulations will, for the first time in the history of mining in the province, recognize the significant role played by unions in the encouragement of safety in mining operations. Local safety committees will henceforth receive copies of reports made by mining inspectors or by special ministerial investigators. Also, all qualified underground miners will be issued a special certificate of qualification. The new mines regulations include an upgrading of safety rules in a number of areas. Noise tests will be compulsory rather than voluntary, and miners will have the right to require air quality tests in their working place.

Now, they will have the right. It is not something that is optional or that they have to negotiate or this kind of thing. Now, if they had the right, some of the problems that my hon. colleague from Sudbury East has been hammering away at in the smelters of Inco and Falconbridge, would be looked after. My hon. colleague would not have to fight as hard as he has had to fight. Such problems as Denison Mines, where there have been all kinds of health problems resulting from dust exposure, could be fast eliminated if the men were able to get these tests.

In conjunction with that, the minister also said that aside from management, miners too will have to shoulder responsibilities in the area of mining safety. He said: "The new regulations will protect workers from disciplinary actions when refusing to work in this genuine safety hazard of an unusual nature. At the same time, both management and employees will be taken to task where they are found to disregard the safety rules."

The big club that the mining companies have used against workers when they know that their health is endangered when they are in an unsafe area, is that they are told to get in there or they are to be fired or disciplined in a severe way. In a much more humane and realistic approach in British Columbia the workers, when confronted with this kind of situation, do not have to fear

about disciplinary action being taken against them.

Another effort that is being made in British Columbia has been debated here, but there always seemed to be reasons why it couldn't be implemented in the realm of general welfare. Mr. Nimsick said: "Miners working alone will be in closer contact with their fellow workers by periodic visits and the use of communications means." I do not know whether there has been any advance made in underground communication between the workers or just what we can expect will improve as a result of initiatives from this ministry. The incorporations that were made into that particular Act in British Columbia were also made into the Coal Mine Regulation Act by amendments to that Act.

It wasn't too long ago that a man speaking to a mining meeting in Montreal stated that one of the reasons that it was so difficult to get miners into the mining industry was the kind of conditions that existed there. He talked about the miner wearing the hat having the light on it with the batteries the same as they were 25 years ago. He felt that with all of the technology that has developed, the mining industry had better fix things up and bring their kind of working conditions much more in line with those that prevail in industry as a whole.

Now, there has also been raised at these meetings the strong conviction that mining safety should not be left in the Ministry of Mines but it should be in the Ministry of Labour, where all other industrial working conditions and safety procedures are reviewed. The steel workers and the northern council to the New Democratic Party have passed a resolution strongly urging that health and safety aspects of the Mining Act be transferred to the Acts which are presently administered under the Ministry of Labour. We feel that the very cosy relationship that prevails between the mining industry and the ministry people would be circumvented and we would get more objective reporting.

Another suggestion that I would make grows out of a resolution from our northern council. It is that all the present inspectors of the mine safety branch have had some former employment in the mining industry, and have had positions of middle management in one of the larger companies. We feel that it's not just a man who has passed an engineering course at a university who is necessarily qualified to evaluate safety and hazardous conditions in the mining industry. Workers who have worked for a long time in the industry are also qualified. As under-

ground miners, they have developed a great degree of insight and knowledge into mining, and by having worked in a dangerous industry they have developed a good deal of insight and knowledge as to what safety conditions must be enforced and how the workers' health can be jeopardized if these are not upheld.

We feel that the ministry should revise its hiring practices so that not only middle-management mining engineers, but miners themselves have the right to attain these positions and should be encouraged to go into them. I think that they would look at the whole question from a different perspective, particularly the safety of their former fellow workers. I would think that we would have a much better balance than presently prevails in that regard.

Now, I'm disturbed, as all hon. members should be, at the incidence of silicosis in the Denison situation at Elliot Lake. It's just preposterous. It's just criminal that so many men have developed silicosis.

**Mr. Martel:** One hundred and nine, at least, in the province.

**Mr. Ferrier:** I probably have had more experience than most members of this Legislature in fighting silicosis claims with the compensation board. We, in Timmins, in the gold mining industries of the province, have seen for years how miners have been crippled by silicosis and lung conditions from long exposure to dust in the underground gold mines of this province. It's been a very frustrating experience to fight many of these claims because, once you get involved in it, the compensation board and the occupational advisory committee and occupational chest diseases of the Ministry of Health will invariably say that the man has bronchitis and emphysema and this and that, but silicosis is not there.

It doesn't show on the x-ray. Even when autopsies are performed, if there is silicosis present, they claim it couldn't have a disabling effect during a man's latter years, and certainly didn't result in his death. Claims are turned down right and left. I've been waiting for a long time for Dr. Paterson to make this report to your ministry. I believe it was first commissioned back in about 1968. We've waited six years for that report. It's always coming, you say. It's just about ready, just about ready, just about ready.

But, my contention is that a man who has worked underground in dust conditions for a significant period of time often develops

a severe lung condition from his exposure to dust in the mining industry. This has, certainly a significant bearing on his case and there should be some pension recognition given to him. I think that it would go a long way to meeting the very great sense of injustice that exists in a community like Timmins, or the other gold mining areas of the province.

Of course, we have been told in reports that I've read from the compensation board, and elsewhere, that because of better dust control provisions in the mines and the use of water to keep dust down, that new cases of silicosis are very rare. So, with this in mind, it is shocking to hear of the number of diagnosed cases in the Elliot Lake area. It smacks of neglect, of not enforcing adequate dust control measures.

From what I've been told about the gold mining areas, and it's been fed to me from a number of sources, they say that I'm too extreme in what I say about the question of silicosis and this kind of thing. You're going to see silicosis pretty well die out, they say. To find that it's become so prevalent in this other area to me suggests absolute neglect, and I think we should hang our heads in shame that this is being permitted in Ontario in these modern days. The minister has made some movement to get to the bottom of this. I don't think any stone should be left unturned to see that this safety factor is cleared up, and that everything possible is done to eliminate the possibility of silicosis being contacted.

It's a terrible condition to see these men who have worked in the mines, gasping for breath, sitting up all night in a lazy-boy chair because they can't lie down on a bed. They cough and choke and can't breathe. They can't walk a block outside on a cold day. They can't climb stairs. They are losing weight. It's terribly pathetic and, eventually these men have their lives greatly shortened.

Having to live in that kind of condition and having their lives curtailed to such an extent, makes it seem incredible that we would allow any mining company to operate in the Province of Ontario, in this country of ours today, without adequate dust control measures enforced by this mining inspection branch that we have here.

**Mr. Laughren:** The minister says they are exaggerating. Does he still believe they are exaggerating?

**Mr. Ferrier:** As I say, I've had it said to me for so long that silicosis was hard to

diagnose and that it was disappearing. It just about floored me when I heard the statistics and when the actual cases were given to me. It's an awfully black mark on this ministry, I can tell you that, Mr. Minister.

The whole question of mining taxation, of course, has been with us for the last year or two, and again we look to the leadership by Manitoba and British Columbia in trying to get for the people a much more equitable return from the resources in their borders than has been realized in the past. We had some movement in this direction in Ontario when the budget was brought down, and the taxation on mining profits will yield double the revenue. The kind of taxation is different than it is in British Columbia and Manitoba. The one difficulty that I see in the British Columbia taxation, and that has some merit, I suppose, in the Ontario proposal, is that there could be a strong tendency to high-grade the best ore and to curtail to some degree the length of the mines.

**Mr. Martel:** Been doing this in Ontario all along.

**Mr. Ferrier:** This has been a problem to us who have lived in the gold mining areas when the price of gold was much lower than it is today, and in going with a delegation to the federal government to try to get the EGMA extended for a period of time, we were trying to promote the length of the life of the mines if we possibly could. We should, I think, try to get the majority of ore out of the mine if we possibly can and extend its length as is reasonable. At the same time, I think that we could, on a royalty system, get about three times as much as we are getting out of this projected taxation that we have here. Perhaps the two ideas spring from different philosophies to the extent that we need much more of a government involvement in the whole exploration and development area.

**Mr. Chairman:** Gentlemen, I believe we have to adjourn for the vote and we'll resume right after the vote.

The committee recessed at 4:10 o'clock, p.m., for a vote in the House and reconvened at 4:25.

**Mr. Chairman:** Order, please. We will resume our discussion. Mr. Ferrier.

**Mr. Ferrier:** Mr. Chairman, one of the things about getting a break for a vote is

that it enables a person to collect his thoughts once again and if you have forgotten a couple of things you should have said, you will remember them.

**An hon. member:** You're not going to repeat what you said, I hope.

**Mr. Ferrier:** I suppose one should recapitulate a little bit. That doesn't hurt now and again.

The advantage, of course, of the taxation policy or the royalty basis being used in BC is that it eliminates the boom and bust of development of mining where you see at one point a mining community thriving ahead such as we saw in Elliot Lake or in Sudbury and then things get where the demand is not there or the company wants to hold back, and it will cut back its operations and men will be laid off and there will be a considerable dislocation. The approach taken by the BC government leads to a much more even development of resources.

Now, as I was saying when we broke off, I believe that there must be more of a government involvement in the exploration and development part of our resource industry, particularly mining. The minister has always repudiated this in the past and now he is making some kind of noises that the government will set up some kind of arm to do this. I can only think that it would be a pretty emasculated kind of exploration and development company that this particular government in Ontario would set up.

But I can envisage much greater government involvement in these activities of exploration and development, something such as has been done for a long time in Quebec and it's beginning to bear fruit in some significant ways. The governments of Manitoba and Saskatchewan and BC are involved in this. The government is prepared to move in and play a very large role in terms of equity ownership, if necessary, or Crown corporation, if necessary, or to work with private companies in the development of mines—such as is going on in Quebec.

When we had this announcement in the budget, I believe it was April 9, that the mining taxes were going to be increased in this province, all these mining companies immediately started crying like some stuck pig. They weren't being hit terribly hard when you consider the profit statements of all mining companies in the last year.

I remember reading in the report on business section of the Globe and Mail about

Falconbridge which had gone up from about \$1.17 a share to about \$9.50 a share. As you continue down the line you see the gold mining companies. Texasgulf in their fourth quarter last year had the highest profit that they have ever had, due in large measure to the ore body that they have at Timmins. I think that we should put on the record that that is one of the richest ore bodies that has ever been discovered, that as they get lower in their workings, the amount of copper they are finding is greater than ever. They are talking about building a copper smelter and perhaps a lead smelter. They are putting in a circuit to recover tin; they may already have it put in. It's the largest silver producer in the country, and the zinc and copper are just fantastic.

As soon as the Treasurer came in with the suggestion that there would be a little more taken back for the people from these mining companies by way of taxation—even though they had recorded the largest profit that they'd ever had in a quarter in the fourth quarter of 1973—Texasgulf's reaction was: "We are just going to hold back and we are not going to make a final commitment about this copper smelter in the Timmins area because we don't know what those awful Conservatives are going to do to us by way of this tax. We are just going to slow down our procedures. But we have had some consultation with them and there may be some provisions as far as development and exploration, that we might be able to go ahead, but we won't make any commitment to it."

Now, these people are pretty good bargainers and they have worked things to their advantage all along. They don't know when they are well off. They should remember that section 113 is still in the Act. The advantages communicated to me by building your own smelter or refinery is that it enables you to set up the technical processes whereby you recover more—the most recoverable metal possible from that particular ore. Otherwise if you ship it to a custom smelter it's not altogether geared up for that particular ore and there is more wasteage and economic loss than there otherwise is if you have your own refinery for that particular process.

They, I suppose, can continue to ship to Noranda, but they're losing money that way. To permit them to move out of the country is just not to be countenanced. Of course, one would expect that the Canada Development Corp., which has Canadian funds behind it—the taxpayers have sub-

dized any of the investments so far—would be operating in the public interest and that those directors would be using their influence to have this copper smelter built in the Timmins area, as the feasibility planning studies have suggested, and not going along with this kind of scare tactic.

I expect that those who are representatives of the public good would be saying that the longer you wait, with inflation as it is, it's going to cost you more and you're not getting the economic return from the ore that you could get if you had your own. The sooner you start getting that, the better it's going to be. Really, this kind of bargaining that you're entering into is not very sensible.

Of course, when they come out with this position, the mayor and the council and the chamber of commerce all jump on the bandwagon and want to be the handmaiden of the industry. I've maintained all along that the governments must be tough but fair and direct if necessary. I don't see how this subservient role that the chamber of commerce and others expect us to play with this industry serves anybody any good.

You read investment studies, and it's inevitable that they say that governments are going to exact a larger return on the natural resources of the country. And, of course, even a man like John Turner, to quote such an eminent authority as him, recognizes—

**Mr. P. J. Yakabuski (Renfrew South):** Not after last night!

**Mr. Laughren:** Tongue in cheek, you will notice.

**Mr. Ferrier:** —that they have been getting away with too much. He said in that speech last night:

It is apparent that the petroleum and mineral resources industries in Canada have reached sufficient maturity that the tax incentives are more generous than is needed to encourage continuing development.

With rising resource profits and the discontinuance of automatic depletion, this earning of depletion will be a very effective incentive for encouraging exploration.

It is essential to ensure that all the people of Canada derive a fair share of the substantially increased revenues and flow from the higher value placed by the world on these resources.

**Mr. Haggerty:** That would split the NDP right down the middle.

**Mr. Martel:** It's a measly two per cent he's talking about.

**Mr. Ferrier:** So, you see even a man like that is prepared to admit that this measly 2½ per cent—well, it's not nearly enough. But at the same time he's admitting that these fellows have been on a free ride for much too long and that the federal government is going to take a wee bit more from them. As I say, the way Rio Algom's president sent us a report about his statement at the annual meeting, and Texasgulf are trying to bargain again, I suppose, for some more concessions—

**Mr. Martel:** They'll be bankrupt before the year is over, those poor guys.

**Mr. Ferrier:** —there is just no place for us to take a soft role with this industry. They have had their own way far too long. Now that the tide is turning against them and people are realizing in wide sections of the public that they must pay their way and we must get a fair return for the resources that belong to the people, we can't in any way countenance their whining and trying to hold back proceeding with development.

**Mr. Martel:** Nationalize the bastards.

**Mr. Ferrier:** As I say, there must be a larger role for government to play, and if these people are going to play games with us too long, then one must take a closer look at the ownership of our mining companies and we can get into them in more detail in the estimates themselves.

I get it from my riding that the plantings in the lakes of various fish—I think they are nearly all trout—have been a lot less since the Ministry of Natural Resources has been doing it, than when the fish and game hunters and anglers used to do it. You hear more and more the complaint that you can spend a day out there fishing and you rarely get a nibble. Now, that's what happens to me when I go fishing and I always thought it was my lack of fishing ability. But, as long as these oldtimers and the real expert fishermen are saying this, then I have got to listen to them.

**Mr. Martel:** You need a few CLC wobblers.

**Mr. Ferrier:** I just want to say that we should speed up and expand the fish plantings in our lakes. Our minister said that they are proceeding with two new hatcheries—one in Lennox is going to be finished pretty soon, and through the efforts and hard work of the member for Thunder Bay, there's one going

up in Dorion to look after that area. But of course, I would like to see another one built in my part of the country.

Perhaps the one that's at Hill's Lake is sufficient to meet the need, but I don't know why, with the diminishing fishing population that has been described to me by constituents, the ministry does not grow or hatch pickerel. That's a delicious fish to eat and it is a good sports fish. Yet I know at Hill's Lake there are no pickerel fingerlings. They are supposed to regenerate themselves, maybe, as the argument is given, but obviously they are not in a lot of areas.

Now, why do we just limit ourselves to trout, especially in the north? Why can't we develop some pickerel plantings? The minister has said it's his intention to step up each year the programme of silviculture, and I notice he mentions some of the roads that they are developing as forest access roads and forest management roads. I hope that these roads are enabling this silviculture programme to expand. Perhaps he could make some comments as to what success his ministry has had in proceeding with this.

I don't see that much. There have been some developments in various parts as far as the forest resources of the north are concerned. While we welcome these, we would like to see more. I don't know why we've never developed furniture manufacturing, other than perhaps transportation. I would like to see that industry come into our area.

Before I wind up, I have a number of questions here about one specific item. I know that the minister can't answer the questions now, but I hope he'll give me the commitment that he'll get detailed answers for these when we come to the appropriate vote: It's a detailed subject and there are seven questions with certain parts to them that I'd like to ask.

First, I'd like to ask how many agreements are there in force at the present time under the Woodlands Improvement Act? The second question: How many of these are between the ministry and individual owners? Three: What is the average size of the parcel of land covered by these agreements? Four: How many are on parcels of land less than 50 acres in size—50 to 99 acres, 100 to 149 acres, 150 to 199 acres, or 200 acres or more?

Five: Of these contracts, how many are for woodlot improvement only? How many are for planting trees only? How many are for woodlot improvement and planting? How many of these contracts relate to land in

southern Ontario and how many of them relate to land in northern Ontario? Six: Of the total number of contracts in force at the present time, how many were entered into prior to 1970 and how many were entered into for each of the years 1970, 1971, 1972, 1973 and 1974? Seven: What is the cost to the ministry under these contracts?

**Mr. Laughren:** Good question. Will you answer please?

**Hon. Mr. Bernier:** Your research branch has been really working.

**Mr. Ferrier:** We have research people all over the province. So, with these remarks we'll listen to the response and we'll get on with the estimates on the various votes.

**Mr. Chairman:** Mr. Minister.

**Hon. Mr. Bernier:** Mr. Chairman, if I may respond briefly, because I realize that many of the issues and the items that you've brought up in your opening remarks will be dealt with in great detail as we go through the individual votes. I would just like to comment briefly, and I'll deal with each of the introductory remarks separately.

Regarding the first remark, I would say to the member for Wellington North—

**Mr. Haggerty:** Welland South.

**Hon. Mr. Bernier:** Wellington South.

**Mr. Haggerty:** Welland.

**Hon. Mr. Bernier:** Welland, I'm sorry.

**An hon. member:** The great county of Welland.

**Hon. Mr. Bernier:** Concerning the application of the Pits and Quarries Control Act to other parts of southern Ontario, I would have to say to him that we are moving in this direction.

**Mr. Haggerty:** You said that last year.

**Hon. Mr. Bernier:** Yes. We've designated several townships in that period. We're going to accelerate our programme. It's our eventual hope, as I said last year, to have the entire part of southern Ontario under the Pits and Quarries Control Act—and the parts of northern Ontario that give us the greatest problem. I think it's fair to say that in southern parts of Ontario that we have designated those troublesome areas and we have the matter in hand under the Act itself, but there are other areas—

Mr. Sargent: Can I ask the minister a question, Mr. Chairman? Can I interject here on this subject?

Hon. Mr. Bernier: Maybe we can come back to this.

Mr. Sargent: It's right on this point here.

Hon. Mr. Bernier: Well, if I can finish my remarks.

Mr. Sargent: I'm not asking the minister; I'm asking the chairman. He's the boss.

Mr. Chairman: He would like to finish his remarks and then we'll be open for questions.

Mr. Martel: See how fair the chairman is?

Mr. Sargent: So you're going to go along too, eh?

Mr. Laughren: He does what he is told.

Hon. Mr. Bernier: We have the problem areas under control.

Mr. Martel: In the south.

Hon. Mr. Bernier: We're moving in those areas that are giving us the greatest problems as quickly as possible. I think there are some coming before the cabinet very shortly, some other townships that we have designated. Of course, we have to designate those areas as trained inspectors become available and we are coinciding the two. I can assure you we are moving at a steady pace to do this because it is a good Act, it is doing a job, and—

Mr. Sargent: Who says so?

Hon. Mr. Bernier: —it may well be that we will have to increase the two-cent-a-ton rehabilitation bond that we have.

Mr. Martel: In what millenium do you intend to have the Act apply in northern Ontario? In what millenium do you intend to do this?

Hon. Mr. Bernier: Let me finish my remarks. I didn't interrupt.

Mr. Chairman: Order please.

Hon. Mr. Bernier: If you have any questions I will be glad to answer them after.

Mr. Martel: I am just wondering.

Hon. Mr. Bernier: To the member for Owen Sound—

Mr. Sargent: Grey-Bruce; try to keep them apart.

Hon. Mr. Bernier Grey Bruce: —we may have to increase that deposit amount. It has been indicated to the industry that we are seriously looking at this because some—I think it is fair to say—are dragging their feet.

Mr. Haggerty: Since you applied the latest regulations in August of 1963, how many have brought in their plans and had them approved by your department?

Hon. Mr. Bernier: Over 500 have had their rehabilitation site plans approved and licences issued. We also have received about \$800,000 in bond funds to guarantee rehabilitation and so the programme is starting to gain a little steam.

With regard to the report of the select committee on nationalism and foreign ownership, I think it is fair to say that this particular matter is now before the government. Within my own ministry and the resources development policy field we are dealing with it, so it is an issue that is before the government at the present time. I am confident in the not-too-distant future that we will have a statement to make and possibly some of the recommendations that have been made by the committee will be implemented.

I was pleased to see the member for Welland South recognize the benefits of decentralization of the Ministry of Natural Resources. I think he has grasped, as have other members of the Legislature, that it was a step in the right direction. We have more delivery points now for our services and many of the decisions that were formerly made in the ivory towers here at Queen's Park have now been funnelled out and passed on to the regional directors and the district managers so that we have—

Mr. Martel: You are being seduced. Be careful.

Hon. Mr. Bernier: —a service to the public that they expect and which, of course, we are anxious to give them.

With regard to the comments in the Throne Speech concerning the desirability of the government entering into an agreement with the Polar Gas Co., I might say that my colleague, the Minister of Energy (Mr. McKeough) is working very closely on this. We are working closely with him in regard to various routes that could be taken and I would say through him that prior to any action being taken there will, of course, be

environmental impact studies undertaken. There is no question that these will be undertaken. I can give you that assurance.

In connection with the water levels, this is a problem that is still with us. It is—and I think you agreed with me—a difficult cyclical problem. Lake Ontario, as I pointed out in my opening remarks, will be considerably lower this year because we are able to regulate the flow of water from Lake Ontario, but Lake Erie and the other lakes still give us a problem.

I notice you made reference to certain recommendations back in 1952 and, if memory serves me correctly, I think it was a recommendation that the municipalities along Lake Erie bring in a certain specific type of zoning that would control development along the shorelines. Some have done this and some have been negligent in doing this.

**Mr. Haggerty:** Well, this is the point I raised; if they don't do it, I think it is up to the provincial government to move in that direction.

**Hon. Mr. Bernier:** Well, I think the feeling is that we would like the local municipalities with local autonomy and which are closer to the scene than we are to take action. We are, of course, quite anxious to work with them and this has been shown by the setting up of the various action groups and the government response to flood control programmes.

I think you will agree that this government has taken a very aggressive step and that the amount of money that has been spent in dike work and shoreline erosion along the Great Lakes has been fantastic. I don't think it has ever been equalled in the history of this government, the history of this province.

**Mr. Haggerty:** We will have to wait and see the chairman's report on land drainage.

**Hon. Mr. Bernier:** I will even give your federal counterparts some kudos in that they co-operated very closely with us and we appreciate the help that they gave us in the form of dollars under the ARDA programme.

In connection with your comments on the auditor's report, and specifically the forfeiture of mining lands, I think this is something that this committee—at least it's come up on practically every examination of my ministry's estimates—I think we have to go back to the former Minister of Mines, who increased the mining acreage tax with the goal of having those lands that were not being worked returned to the Crown. And it's working out very well.

I'd like to just put on the record some of the acreage that has returned to the Crown: Jan. 1, 1968, 9,718 acres; 1969, 4,635 acres; 1970, 12,000 acres; 1971, 10,512 acres; 1972, 34,650 acres; 1973, 31,000 acres.

As reported in the auditor's report, on Jan. 1 1974, some 40,000 acres have been returned to the Crown and the delinquent landowners have paid up their arrears on the 20,000 acres. So that the programme of returning these mining lands to the Crown is working very effectively.

**Mr. Haggerty:** How many of them were under foreign control?

**Mr. Martel:** How many total acres?

**Hon. Mr. Bernier:** I don't have that figure but it is substantial, because over the years—

**Mr. Stokes:** About 1.4 million acres.

**Hon. Mr. Bernier:** —over the years, you know, many leases were given, and titles were given to mining lands. But when you see the tempo at which it's returning to the Crown I think you will have to agree that it's caught on now and it's being—

**Mr. Haggerty:** How much of that land was in foreign interest?

**Hon. Mr. Bernier:** Oh, I don't know. I could try to find out for you.

In connection with the auditor's report I can assure you that the auditor's recommendations are very carefully looked at and his recommendations are acted upon. In fact, in the administration and the preparation of the accounts many changes are being incorporated and will be incorporated until we meet all the requirements the auditor has asked for.

**Mr. Sargent:** So you are getting pretty nearly caught up. You've got a few years' head start.

**Hon. Mr. Bernier:** We are moving in that direction and I think you will have to agree with us that it's working out very effectively and to the auditor's satisfaction.

**Mr. Martel:** Sure.

**Hon. Mr. Bernier:** Now, with regard to the Hydro rentals, we are working on this. The many changes have already been implemented on several leases. All the companies have been notified of the new terms and conditions of the leases and my lands division is actively working on it. The leases are being

drawn up and we will have completed a review of all leases very shortly. So this is something we are aware of and we have the government's commitment that the new terms and conditions will be applied to all our leases.

Referring to the member for Cochrane South's remarks, I would just comment briefly and I have them listed here as he has outlined them to the committee. He referred in his opening remarks to the committee set up to review the Mining Act. And I think he made some criticism as to the make-up of that particular committee. I'd have to say to him that I am very proud of the type of fellows we had acting on that committee.

**Mr. Martel:** Sure. Why not?

**Hon. Mr. Bernier:** That particular committee was set up to look at the sections of the Mining Act, except section 9, which dealt with the exploration, the assessment work, the actual staking of a claim prior to that property coming into production. It was obvious we had to have people who were knowledgeable, who were experienced and knew something about that aspect of the industry. I wish I had the list of people on that committee.

**Mr. Laughren:** To get into the processing—

**Hon. Mr. Bernier:** I think we should put them in the record because they are a very astute group.

**Mr. Ferrier:** Gerald Colborne of the Royal Bank of Canada; he's very experienced in that. I would be quite happy to provide you with—

**Hon. Mr. Bernier:** Right, thank you very much.

**Mr. Martel:** Give us their work history as you go along.

**Hon. Mr. Bernier:** They have Mel Bartley, who is a renowned geologist from Thunder Bay working with the Lakehead University, who is recognized as an authority in the iron ore industry and is, of course, very knowledgeable on aspects of prospecting, staking claims, assessment work. Lionel Kilburn, Falconbridge Nickel Mines, is a very able fellow who is most knowledgeable in that particular field. Barney Jensen, president of the north-western Ontario branch of the Prospectors and Developers Association.

**Mr. Haggerty:** He's very important.

**Hon. Mr. Bernier:** He is well known to the member for Thunder Bay. He is a down-to-

earth average prospector who has brought to the committee a wealth of knowledge.

**Mr. Reid:** What is an average prospector?

**Hon. Mr. Bernier:** There are not that many of them left.

**Mr. Haggerty:** They are all down to earth, too.

**Hon. Mr. Bernier:** These are grass roots people who get results.

**Mr. Reid:** They get right into the earth, too.

**Hon. Mr. Bernier:** It would be difficult to find anyone who was more knowledgeable, from a prospector's point of view, than Barney Jensen. Karl McIntosh, International Nickel, is recognized as one of the leading people in this particular field. John Larche is president of the prospector branch of the Prospectors and Developers Association from Timmins. I believe he is a very good friend of yours, sir, and one who is most knowledgeable of the problems of the small man in the mining industry. Gerry Colborne, who is with the Royal Bank of Canada, is a former deputy minister of mines in another province who, of course, brought a wealth of knowledge again to this particular committee. There is Alec Mosher, the discoverer, the developer and the promoter of the iron ore body just south of Red Lake. Here again is a prospector who has struck it rich, let's be honest. Of course, he, too, brought more than a wealth of knowledge to this particular committee. There is Frank Wank of the Keewil Mining Group; Robert Campbell, president of the Prospectors and Developers Association; and, of course, our own people within the government who are recognized as experts around the world. Fellows like Jim McGinn, director of the lands administration branch, and Mr. McFarland, the former mining commissioner. You just can't question the ability of those men. There is Jim Smith, chief of the mining lands section, George Stevens, and the legal adviser, Grant Ferguson—

**Mr. Martel:** What has happened to the public interest?

**Hon. Mr. Bernier:** —who is now the mining lands commissioner. I have to take exception to any criticism against this particular committee.

**Mr. Ferrier:** Who represented the public interest?

**Hon. Mr. Bernier:** They have held public hearings all across this province and they

have come up with an excellent report. I think it is fair to say that as they travelled Canada for those public hearings, other provinces recognized that the Province of Ontario had the finest piece of mining legislation anywhere in the world. The idea of developing this committee further is to keep us in the forefront and to make sure that position is maintained by this province. It is reflected in the mineral production that we have.

**Mr. Martel:** Whose interests were reflected in the recommendations?

**Hon. Mr. Bernier:** They are only recommendations. There is further input we have asked for already and we are accepting this. If the New Democratic Party wishes to comment on it, I would be pleased to receive comments on the individual recommendations. I hope that both parties would supply me with the benefits of their views. We do want to act on it and I'm hopeful I can bring in legislation late this fall that will implement many of the recommendations that I think are excellent.

**Mr. Ferrier:** Are you going to change your position on the provincial parks?

**Hon. Mr. Bernier:** No, sir, I am not. I have said this most emphatically. I said this when the committee presented me with their report. As I glanced through it that was one that stood out and I said that I could not accept it—I would completely reject it.

**Mr. Reid:** Will you cancel all the leases and holdings in the provincial parks?

**Hon. Mr. Bernier:** We are moving ahead to pick up some of those leases in some of our provincial parks and we will continue to do so as funds come available.

**Mr. Sargent:** You had better check who gave to your election bag too.

**Hon. Mr. Bernier:** I'm not involved in that aspect of the collection.

**Mr. Sargent:** No, you aren't involved. I didn't say that.

**Hon. Mr. Bernier:** As I said earlier we expect and hopefully will get public input on this particular committee until the end of June. After that our own ministry will examine the input that we receive from the public and then begin to formulate legislation that could be introduced later this fall. We will table with you before we complete these estimates a total list of the exemptions given under section 113 of the Mining Act.

In connection with safety I notice the member dwelt some considerable time on this particular matter, which is of the utmost concern. I think it has highest priority within the Ministry of Natural Resources.

**Mr. Martel:** When did that start?

**Hon. Mr. Bernier:** We have spent considerable time—

**Mr. Martel:** When did that start?

**Hon. Mr. Bernier:** It has always been with us and I think it is fair to say we've accelerated our interest.

**Mr. Martel:** I am sorry, I don't believe it.

**Hon. Mr. Bernier:** We've had several meetings with management, with unions, jointly and separately. In fact at one of the meetings we had a member of the New Democratic Party there. I was very pleased to receive his letter saying that he was exceptionally pleased with the response and the results of that particular meeting.

**Mr. Martel:** Mr. Minister, from the time your ministry filed this document in 1961, which stated that the ventilation was a serious problem, what did you do?

**Hon. Mr. Bernier:** We—

**Mr. Martel:** We'll come back to it, you can ignore it now.

**Mr. Laughren:** We know you did nothing.

**Mr. Chairman:** Order, please.

**Hon. Mr. Bernier:** The report on silicosis—and I think I will have to say here that the word silicosis is used very, very freely. I don't think every miner in the Province of Ontario has silicosis, nor every miner in the Elliot Lake area.

**Mr. Ferrier:** I didn't say anyone had—

**Hon. Mr. Bernier:** Many of them have dust effects—

**Mr. Ferrier:** —but they do have dust effects—

**Hon. Mr. Bernier:** —and that's the word you should be using.

**Mr. Ferrier:** —and that is why you should amend the Act.

**Hon. Mr. Bernier:** By using the word—

**Mr. Ferrier:** Some do have the technical condition silicosis.

**Hon. Mr. Bernier:** By using the word silicosis, of course, you are causing a certain amount of alarm and concern among the workers—

**Mr. Stokes:** It is like the word "Mafia." You are not supposed to use it in Ontario.

**Hon. Mr. Bernier:** But we are on top of it. The Ministry of Health—

**Mr. Martel:** Since when did you become on top of it?

**Hon. Mr. Bernier:** The Ministry of Health, since our meeting last November, has x-rayed over 900 employees in the Elliot Lake area. So we are on top of this and in fact we've agreed that a very select committee, a very expert committee, would go into the Elliot Lake area to do further environmental tests, dust control tests, diesel fuel tests—

**Mr. Martel:** How many tests have you conducted so far?

**Hon. Mr. Bernier:** I gave you the list in the Legislature. It was—

**Mr. Martel:** Right. In other words you didn't conduct one test.

**Hon. Mr. Bernier:** We don't have to—

**An hon. member:** Why don't you do the same thing they did in BC?

**Mr. Martel:** You don't accept Denison's word for it, do you?

**Mr. Chairman:** A little order here, please.

**Hon. Mr. Bernier:** You have the attitude that everybody is dishonest and deceitful and untrustworthy. That's the attitude you have.

**Mr. Martel:** In the mining industry, they've earned that reputation.

**Mr. Chairman:** Order, please.

**Mr. Martel:** They earned that reputation.

**Hon. Mr. Bernier:** We haven't built the mining industry in the Province of Ontario with that kind of an attitude.

**Mr. Martel:** No.

**Hon. Mr. Bernier:** We've worked very, very closely with labour—

**Mr. Martel:** Don't give me the gears. You haven't conducted a test—

**Hon. Mr. Bernier:** —and very, very closely with industry.

**Mr. Martel:** Despite your own warning in your report in 1961, you haven't conducted a test.

**Hon. Mr. Bernier:** Yes, we have.

**Mr. Martel:** You have not.

**Hon. Mr. Bernier:** I gave you the list of the number of tests that were taken.

**Mr. Martel:** The tests conducted by Denison—

**Hon. Mr. Bernier:** We checked the equipment—

**Mr. Martel:** —not the tests conducted by you.

**Mr. Chairman:** Order.

**Mr. Martel:** You didn't conduct a test of your own.

**Hon. Mr. Bernier:** Treat this with sincerity and—

**Mr. Martel:** You couldn't even verify one test.

**Hon. Mr. Bernier:** —and leave the emotion out of your arguments.

**Mr. Martel:** You simply accepted their word for it.

**Mr. Chairman:** Order.

**Mr. Ferrier:** Would you be prepared to amend the Act like they have in BC to help the men to be able to request—

**Hon. Mr. Bernier:** We are working very, very closely, as I said in the previous examination of these estimates—there are many things that the union have brought to my attention which they agree should be incorporated in their collective agreement. We've gone over this many times and the people who discuss this issue with me have agreed that as they move ahead—

**Mr. Sargent:** Mr. Chairman, on a point of order, something is wrong here. The minister denied it and Elie says it's not a fact. Don't you think there should be some resolution as to who is right or wrong here?

**Mr. Martel:** He's wrong. They haven't conducted one test of their own. Not one.

**Mr. Sargent:** Well, is the minister not telling the truth? Is that what you are trying to say?

**Mr. Stokes:** He doesn't deny it.

**Mr. Chairman:** Order, please. Let the minister continue with his rebuttal.

**Mr. Laughren:** He's not denying it, is he?

**Mr. Martel:** He just orders them.

**Mr. Laughren:** He admits he hasn't conducted—

**Mr. Haggerty:** Mr. Chairman, could I have clarification from the minister—

**Mr. Sargent:** Well, the minister should explain then if he can.

**Mr. Haggerty:** When he says this should come under a union agreement, is he saying that health matters in a plant should come under a union agreement?

**Hon. Mr. Bernier:** Every union has a health committee, and they work very closely with management. We audit the tests taken by the company, and we check their equipment on a regular basis. In fact, in Elliot Lake, for an outside point of view, we had the federal authorities examine the type of equipment they were using and the tests they were taking.

**Mr. Martel:** Mr. Minister, when the federal people went in, they watered down Denison for two full days and they shut off the crushers for six hours before the tests were conducted.

**Mr. Sargent:** What tests?

**Mr. Martel:** The tests taken by the federal people on the dust count. And they watered it down for two days.

**Mr. Ferrier:** What happens when you have mines where there is no collective agreement? For instance, Texasgulf is not organized. How do you protect the workers there?

**Hon. Mr. Bernier:** We work very closely with them, and there are certain requirements under the Mining Act which the mining company must fulfil. We audit those tests very carefully, very closely. I can't accept your criticism—

**Mr. Ferrier:** It should be embodied in the Act in Ontario as it is in the amendments brought in in British Columbia.

**Hon. Mr. Bernier:** I have assured the group from Elliot Lake that came to visit me that as we go ahead with the tests we were going to conduct in the next few weeks, they will be part and parcel, as will management, in the tests that will be taken. And

we have no qualms about having a representative from the union there.

**Mr. Ferrier:** If you agree to that in principle, then why won't you put it into legislation?

**Hon. Mr. Bernier:** Well, maybe the time will come when we will, but we will see how this works.

I can't accept your comments that we shouldn't be hiring mine inspectors who may come from some major mining company. When you think that Inco alone employs anywhere from 14,000 to 19,000 people, surely you are going to get the best people, the people who are actually involved in the mining industry, from those companies.

**Mr. Sargent:** Who pays their salaries, Inco or you?

**Hon. Mr. Bernier:** We pay it, 100 per cent. We second them, and we are always glad to get them. They know the industry. They know every aspect of it. And why shouldn't they move into government and apply the Act as it should be applied?

**Mr. Martel:** Why do you shake your head?

**Mr. Ferrier:** Then why do you limit it just to engineers? Why not hire experienced miners?

**Hon. Mr. Bernier:** Well, I think that the qualifications alone that are demanded of these inspectors are something that we have to look at. In fact, I would say that if we hired ordinary miners who don't have the qualifications, you people would be the first ones to criticize us for not getting people with the right qualifications, the experience, the knowledge or the knowhow.

**Mr. Ferrier:** Well, we are asking you to do it. Surely we are not going to criticize our own recommendation.

**Mr. Sargent:** Are they drawing two pay-cheques? That's the question.

**Hon. Mr. Bernier:** No, they don't. They are totally taken over by the government.

**Mr. Martel:** But they never shake their allegiance, do they?

**Mr. Sargent:** That's the inference, isn't it, Bill? That's the inference.

**Mr. Ferrier:** No, it's not.

**Hon. Mr. Bernier:** I defend those people with enthusiasm because they are doing an excellent job.

Certainly the concern you have with silicosis as it relates to the Workmen's Compensation Board is something that I personally have a deep concern about, because I have a large mining community in my area of north-western Ontario, and many times as a back-bencher, and still as a minister, I get requests to assist people with their applications to the Workmen's Compensation Board. I'm pleased that I was a member of the government that brought about those changes in the Workmen's Compensation Board to recognize silicosis, as they have done in the last few months.

**Mr. Ferrier:** Drawing from your own experience then, couldn't you widen the kind of chest conditions that could be allowed? If a man has had exposure for a certain length of time in a mine and develops a serious condition—

**Hon. Mr. Bernier:** These things will come about—

**Mr. Ferrier:** You are in a position to make them come about.

**Hon. Mr. Bernier:** The United States has recently published the results of its studies, and we are looking at those reports very carefully. The results of our studies may cause us to change and take further steps. Once we have Dr. Patterson's report, which is ready to go to press right now—

**Mr. Martel:** When we debated the mining bill in 1970 it was being prepared then.

**Hon. Mr. Bernier:** We will look at that closely. We are not fixed, we are not rigid as more information becomes available to us. As the Minister of Labour (Mr. Guindon) said, the matter of industrial diseases is very complex. Certainly we are as concerned with lead poisoning, mercury poisoning and silicosis as you people are, and we are determined to reduce it. We'd like to eliminate silicosis.

**Mr. Martel:** Do your own testing then.

**Mr. Ferrier:** I would agree with you there, but I would like to see you try to help and bring a little more justice to a lot of people who are suffering from the results of exposure in the past. I think you are in a position where you can do it and bring your concern more into action.

**Hon. Mr. Bernier:** I might say we work very, very closely with the Minister of Labour in this particular aspect. He too is very much concerned with the problem as it relates to the mining industry.

Now to touch briefly on the taxation aspect, I was a little disturbed that I didn't hear the member for Cochrane South reiterate his comments that we should not tax the smaller mining companies. In our new taxation programme that we announced on April 9, we recognized the smaller mining companies.

**Mr. Ferrier:** I never said we shouldn't tax them.

**Hon. Mr. Bernier:** There will be no mining tax up to \$100,000, and that is a real break for the small mining companies.

**Mr. Stokes:** That is what he said last year. I am glad you paid heed to his recommendation.

**Hon. Mr. Bernier:** I would hope you would recognize that.

**Mr. Ferrier:** I told you to take it easy on them.

**Hon. Mr. Bernier:** It is there, and I am just a little disturbed you didn't recognize it without pulling it out of you.

**Mr. Stokes:** He complimented you for accepting his recommendation.

**Mr. Ferrier:** But you still haven't taken that tax off the diesel fuel yet, have you?

**Mr. B. Gilbertson (Algoma):** They are trying to take the credit for something somebody else did.

**Hon. Mr. Bernier:** Yes, there have been changes there. There have been some major changes in that aspect. Our system of taxation is being looked at by the Province of Manitoba, by the Province of British Columbia and by the Province of Quebec. The route that we have gone has set the example for other provinces in this country. In fact, it is fair to say that we sent experts from my ministry to BC to find out where they were going and what the application of their royalty would be in the mining industry. I just have to say to you that they didn't know the impact. The civil service, the people who were going to administer that Act, did not know the impact.

**Mr. Gilbertson:** We appreciate good constructive criticism.

**Mr. J. F. Foulds (Port Arthur):** It is like the energy tax.

**Hon. Mr. Bernier:** That is what is going on there.

**Mr. Martel:** Explain it to us. Make a statement.

**Hon. Mr. Bernier:** If we are going into this, I can list for you the number of companies that have already withdrawn from British Columbia. We were concerned that we had to maintain exploration and development. That is the lifeblood of the mining industry.

**Mr. Martel:** Mr. Minister, before you mislead this House, before those taxes were introduced in 1972 exploration had been reduced by 20 per cent across Canada and by 30 per cent in 1973. Would you give the House the whole facts? A recent editorial said: "We really can't blame the NDP government of BC."

**Mr. Sargent:** Mr. Chairman, how did we get into this conversation? What is the deal?

**Mr. Foulds:** And that was the Globe and Mail.

**Mr. Martel:** That's right. Why don't you put the actual facts on the table?

**Hon. Mr. Bernier:** Mr. Chairman, just last year we estimated that the exploration dollars of the Province of Ontario were about \$15 million. Already only three or four months into the year 1974, we estimate that there will be a 20 to 25 per cent increase in exploration dollars in the Province of Ontario. I would say to you that they come from the provinces of Manitoba and BC.

**Mr. Martel:** Great!

**Hon. Mr. Bernier:** Now remember that. This is what we are going to have.

**Mr. Foulds:** We are such a have not province we need it.

**Mr. Martel:** We are such a giveaway province.

**Mr. Chairman:** Order, please.

**Hon. Mr. Bernier:** With regard to the comments on the Crown corporation, I would say to you that we are studying a number of possibilities and a number of approaches to this particular aspect of it. We think that the time has come for government to take an active part.

**Mr. Martel:** Why?

**Hon. Mr. Bernier:** We think that the mining industry has reached maturity. I think that is the word I should use.

**Mr. Martel:** Because they aren't investing enough, isn't that the real problem?

**Hon. Mr. Bernier:** The time has come to look at where we can get a greater return and also to encourage exploration and development in specific areas.

**Mr. Sargent:** The government is making \$40 million more this year. You are admitting that you have undertaxed them by \$500 million in the last 12 years.

**Hon. Mr. Bernier:** Not necessarily.

**Mr. Sargent:** Or maybe \$1 billion, because the federal government last year taxed them \$900 million.

**Hon. Mr. Bernier:** When you think that—

**Mr. Sargent:** It is \$38 million more this year.

**Hon. Mr. Bernier:** —in 1889 the mineral output in the Province of Ontario was about \$53 million and last year, in 1973, the mineral production was \$1,779 million, you have to admit the taxation policies and the policies of this government have been proper.

**Mr. Martel:** They have been a giveaway.

**Mr. Sargent:** A giveaway.

**Mr. Chairman:** Order.

**Hon. Mr. Bernier:** They have encouraged the mining industry and the development of our mineral resources.

**Mr. Martel:** It has been a giveaway.

**Hon. Mr. Bernier:** Mr. Chairman, that concludes my remarks.

**Mr. Martel:** About one per cent of the budget.

**Mr. Chairman:** I think the member for Grey-Bruce wanted to ask a question.

**Mr. Sargent:** Mr. Chairman, very briefly I want to talk about how this ministry affects my area insofar as your remarks are concerned. I'll get on to the vote, but I want to congratulate you, Mr. Minister, in getting Dr. Reynolds on the team. He kept John P. Roberts out of trouble so he can keep you out of trouble.

**Hon. Mr. Bernier:** Thank you very much. I am looking forward to that.

Mr. Sargent: Yes.

Mr. Martel: You need some help.

Mr. Sargent: He needs all the help he can get.

Hon. Mr. Bernier: I'm the first to admit it.

Mr. Sargent: No, I just want to go over that point that you are going to get \$40 million more this year from the mining people. If you had done that 12 years ago, it could've been \$500 million. And even at this, you know, you are not taxing them enough anyway because it's a resource belonging to the people and it's going into the coffers of big business.

Mr. Laughren: Just be careful, Eddie.

Mr. Sargent: I have hundreds and hundreds of miles of shoreline property in my riding. We had fantastic damage. And you talk about the fantastic—the word you used—support you have given them for—what page is that on? Page 10.

Mr. Martel: Largesse.

Mr. Sargent: Shoreline property, yes. So you say to expedite the delivery in the administration of these programmes and flood damage you have got a new group. I don't know one person in my hundreds and hundreds of miles of shoreline property who got five cents out of your programme. If you are going to do something about it, all well and good, but the fact is you took full marks last year, Leo—not you, the former minister—there was a big blowup in the press about what you were going to do for these people.

There was millions of dollars' damage done and not five cents to my knowledge was ever in our area. And the machinery for getting it was almost impossible, going to the municipality and seeing about doing all these things they had to do. It's almost impossible, so I think it's just a big con game that you are giving us.

Now this year you are going to set up a number of groups empowered to allocate funds and to draw on the physical resources of the province. I think it's a big snow job you have given us. Whether you are going to do something about it, I don't know. I think you know about that.

The other thing I wanted to talk about is the pits and quarries. You talk about designating—

Mr. Stokes: Oh, come, order. Let's have a little order, Mr. Chairman.

Mr. Chairman: I thought you were going to ask a question.

Mr. Sargent: I am asking a question. I think I have a right. You guys have been talking for 2½ hours. Do you mind if we say something here?

An hon. member: Actually these could be—

Mr. Martel: But we said it in order.

An hon. member: Oh.

Interjections by hon. members.

Mr. Sargent: Well, I don't know, I—

Mr. Stokes: Just because Martel does, it doesn't mean that you have to.

Mr. Chairman: Why don't you discuss this under the vote?

Mr. Sargent: He's the smartest guy in your party, he tells me.

Mr. Chairman: Order, please.

Mr. Martel: And I'm right.

Mr. Chairman: Let's discuss these various items under the vote in question.

Mr. Sargent: I want to say one more thing and I'll get out of your hair.

Mr. Chairman: No, but I thought you had a question.

Mr. Sargent: I can't afford to listen to all this nonsense here.

Hon. Mr. Bernier: Well, it's not nonsense to me, sir, it's very serious business.

Mr. Chairman: Vote 2201, ministry administration programme.

Interjections by hon. members.

An hon. member: Do them in order.

Mr. Singer: Item 1.

Some hon. members: Item 1.

Mr. Chairman: We shall do them item by item. First, main office.

On vote 2201:

Mr. Stokes: Under administration, Mr. Chairman, there are a few comments that I would like to make, and they have to do with the reorganization and the effort of the ministry to decentralize. Now, I realize that you don't make a major shift without a good deal of trouble, a good deal of controversy and

dislocation of personnel in many instances, and before I get into that I want to echo the sentiments expressed by the member for Grey-Bruce in welcoming Dr. Reynolds as deputy minister, knowing of his interests and his expertise in this ministry over the years. I'm sure that everybody would welcome him back to it, and hope that he won't be just an administrator, that he will, in fact, get out into the field, find out where people itch and be prepared to scratch them, plus provide whatever direction and funding is necessary to supply the kind of liaison with the public that is going to be increasingly necessary as the years go by.

In many areas of the province this is the only ministry that has an ongoing relationship with many, many people. I'm not saying that you should just do it from a PR point of view, but I think that you have to get out into the area where there is no other government presence to explain to people what you are attempting to do. If you do a credible job of that, you're going to have a better understanding by the people of the province of what you're trying to do, and you're much more apt to get the kind of co-operation you're going to need to make it a success.

I would also like to say a word of congratulations to your parliamentary assistant, the hon. member for Parry Sound (Mr. Maeck). I think that it will be a challenge to him and if he's as vocal as his predecessor in many areas, I'm sure that we'll have a lot of fun as time goes by.

**Mr. Ferrier:** I hope he's not as vocal as his predecessor was one night in here.

**Mr. Stokes:** I want to say, in the matter of decentralization, Mr. Chairman, that I do hope you don't throw the baby out with the bath water. Because, in the interests of cutting down and making best use of the personnel you have, I can show you two or three instances where it has been a decided disadvantage. And I don't want to talk about specific personalities because that's not my intent. But I want to say to you that there are many areas in the province where, as a result of this organization, you have created a situation where the logistics of people who are charged with specific responsibilities—I'm speaking of forest managers, conservation officers, land supervisors—has been unrealistic. I think you should take another look after a reasonable period of time to ensure that you have accomplished what you set out to do.

I'm going to give you one instance and let it go at that. I realize you are having difficulty retaining the kind of expertise and

personnel you do need in certain areas throughout the province because of the lack of amenities, the feeling of isolation, and because of the lack of services that many people have come to expect in this day and age. As a result of it, you're having a great deal of difficulty attracting people with specific talents and abilities to do certain jobs.

So for instance, a town like Armstrong is **having a good deal of difficulty**. And I know that your people at the regional level are trying their damndest to resolve these problems, but you are in a situation where you've got tens of thousands of square miles of resources of many kinds. I'm talking about fish and wildlife, fish and game resources, and timber resources I'm talking about the kind of expertise that you need for surveillance of many kinds. You find that the people who are charged with that responsibility are not situated there, they're situated perhaps 150 miles away. I'm sure you, being a northerner, appreciate that it's almost impossible for somebody to keep a day-to-day surveillance on what is going on if you have to summon somebody to look at a specific instance 100 or 150 miles away.

Notwithstanding the fact that you do have difficulty attracting certain people to certain areas. I think that in your recruitment programme you should be looking at the kind of people with those specific abilities who would welcome that kind of lifestyle. So you can, in fact, ensure that you've got the kind of people you require in the places where they're so badly needed.

I am not condemning what you have done thus far but I do see some shortcomings in it. I think before you get too far along the way and people get into a rut, whereby they just accept things as they are, that you have another look at it, or keep an ongoing look at it, so that you get the kind of people you feel are absolutely essential to do the kind of job that must be done if there is going to be proper resource management throughout the province.

I want to ask the minister, too, about the field offices to which he allocated \$6.1 million. I want to get into something a little more specific. This was just put on my desk this afternoon and it was tabled by your colleague, the Minister of Government Services (Mr. Snow). In the "approved for construction" stage we have staff houses at Cochrane, Hearst, Ignace, Moosonee, Nipigon, Red Lake, Whitney—a total of 37 houses for a total expenditure of \$1.28 million. This works out roughly to \$34,100 for each dwelling. Assuming that they were all

built on Crown land, we are talking wholly and solely about the cost of constructing whatever accommodation was necessary in those several locations—amounting to 37 units

We are responsible for questioning the amount of dollars that you are spending and seeing that you get value for your dollar. Since \$34,000, on average, is what it is costing you for accommodating your new field staff, could you give me a breakdown on that? It seems to me that we could build homes much cheaper than that in northern Ontario where there is no land component in it.

I would also like you to explain to me how you are going about housing the additional staff that are necessary in many places as a result of the relocation and the additional district offices that we have—numbering 48 in all. Would you give me some idea of where it is at? As I travel through many of your district offices I see some that are much less than desirable and which are not conducive to a good working environment. I do hope that this tabling from your colleague, the Minister of Government Services, doesn't reflect the attitude that you are taking toward the kind of workplace that these people should be able to expect—with the 49 district managers that you have and their complements. If you are going to provide an environment for them that is conducive to a productive working day, I think you are going to have to upgrade a good many of them. I see nothing in the estimates under field offices, or very little under the Ministry of Government Services, to indicate that you are going to get on with the job of providing something that is so essential to good performance.

**Hon. Mr. Bernier:** If I may just comment briefly, Mr. Chairman, on the reorganization of the Ministry of Natural Resources. I would first say to the hon. member for Thunder Bay that it is not an easy task, from the minister's point of view, to relocate some 480-odd persons. This is what we did in that major reorganization. This was the first major reorganization since 1952, I think it was, or 1948.

**Mr. Haggerty:** Why didn't you go all the way and move the whole ministry to northern Ontario?

**Hon. Mr. Bernier:** No, we didn't do that.

**Mr. Haggerty:** No, but you should have—all the way.

**Hon. Mr. Bernier:** But I think the whole thrust of our reorganization was, as I said

earlier, to decentralize, to have more delivery points for the general public at large. To ask the people from Red Lake, as an example, to travel some 200-odd miles to Sioux Lookout to get a decision on a land purchase, or to deal with an item that may be related with a licence for commercial fishing or trapping, was just unreasonable.

**Mr. Stokes:** I don't disagree.

**Hon. Mr. Bernier:** It wasn't an easy task. We examined the whole province as to where we could deliver our services the best way. I would have to say to you publicly that my appreciation to those people in my ministry who suffered upheaval in this reorganization—families that had been established in a community over a period of years—to be told that in three or four months they would have to be relocated in another community, leaving their friends and their school chums behind was not an easy task.

Granted, we embarked on a very ambitious programme to provide the required housing. I will get that list for you as to where those houses are being constructed. We had to get onto the job because if we are going to have our employees satisfied—if we are going to maintain the high level of morale that our ministry was used to—then we had to take these steps. I will agree that they were costly. We did not go about it in an effort to save any dollars. We wanted to have the most suitable combination that we could come up with at the fairest price.

**Mr. Haggerty:** Were tenders called?

**Hon. Mr. Bernier:** Yes, in many cases yes. Just to give you a rundown on the capital programme for the new district offices—if you have a pencil I would just like to run them through for you:

Red Lake, the tender call will be in December, 1974; at Ignace, in December, 1974; the new district office for Atikokan—

**Mr. Stokes:** Hold it. You are talking about six months hence?

**Mr. Ferrier:** That's when you're—

**Hon. Mr. Bernier:** It's coming.

**Mr. Ferrier:** —completing, is it?

**Hon. Mr. Bernier:** That's when we will call tenders.

**Mr. Ferrier:** You will call tenders?

**Hon. Mr. Bernier:** Yes, in 1974. At Atikokan, it is under design right now; at Nipigon, we will call tenders in January, 1975; at Cochrane, the regional and district office extensions are under design; at Moosonee, the tender call will go out in January, 1975; at Wawa, in December, 1974; at Minden, hopefully, the extension tender call will go out in November, 1975; in Algonquin Park, the Whitney district, in January, 1975; at Brockville, it is in the planning stages right now; in Huronia, at Midhurst, hopefully we'll be calling tenders in October of this year; at Cambridge in January, 1975; Niagara-Fonthill, we hope to call tenders in December, 1974.

So these are our plans, and this is our projection as to when we will move into these areas to provide, as you correctly point out, the proper facilities and surroundings for our staff to provide services in an atmosphere we expect of our government services.

**Mr. Stokes:** Well, are these homes for personnel?

**Hon. Mr. Bernier:** These are district offices. I don't have the list of homes but I will get that for you.

**Mr. Stokes:** Well, I have the list of homes and where they are going to be located.

**Hon. Mr. Bernier:** Yes.

**Mr. Stokes:** But I want to know how much money you have allocated for upgrading of field offices. Some of them leave very much to be desired at the present time.

**Hon. Mr. Bernier:** Mr. MacBean.

**Mr. R. R. MacBean** (Executive Director, Finance and Administrative Division): The money for the actual construction of houses is in the Ministry of Government Services is what the minister means. However, we will give you an estimated cost later this evening.

**Mr. Stokes:** And with the field offices as well?

**Mr. MacBean:** That's true.

**Hon. Mr. Bernier:** The actual dollars are in Government Services. The requirement comes from our ministry.

**Mr. Stokes:** Okay, can I be assured that everything that is necessary now is in the works to upgrade existing field offices? Are you allocating funds or is the Ministry of Government Services allocating funds in this current year to upgrade facilities that are less than adequate at the present time?

**Hon. Mr. Bernier:** As you see from my list that I just read out, some of them will be going ahead this year; others will be waiting until next year, as part of our planning process. It would be difficult for us to get all those funds in one year for the upgrading and a few allowances.

**Mr. D. J. Wiseman** (Lanark): Can I ask a question there? Why would the priority be on homes rather than upgrading the offices? Do you find it that difficult to get staff?

**Hon. Mr. Bernier:** Yes, that is a valid question, I think. We had to relocate our personnel, and the first thing you've got to do is make them comfortable and satisfied. You have got to satisfy the families.

Interjections by hon. members.

**Mr. Wiseman:** Why wouldn't you let them go into communities and find a home like the rest of us?

**Hon. Mr. Bernier:** Well we did. We didn't provide a home for every person who moved by any stretch of the imagination.

**Mr. Wiseman:** Well, I have been in our local office out there and when you see it and you think of building \$34,000 or \$35,000 homes for the fellows, I would have to agree a bit with the member for Thunder Bay that we should be upgrading that office.

**Hon. Mr. Bernier:** Well, you know the first thing you've got to do is make your staff comfortable. That is the number one thing to do. Otherwise you won't have any good staff relationship and the morale of the civil servants won't be good. Certainly the home is the prime requisite. Then we take the next step and provide the field offices.

You know, from the minister's point of view, there is nothing I would love better than to have a nice Ministry of Natural Resources office in every one of these 49 points.

**Mr. Martel:** The miners in the north, when the mines close down, don't have these comforts because of the lack of financing. They are relocated frequently.

**Mr. Stokes:** You mentioned that in your lead-off, too and I don't know of any other place I can bring it up and I have checked it. It is your involvement with the NORACT programme; that is where you, in concert with the Treaty No. 9 bands, convened a meeting with your colleague, the Minister of Transportation and Communications. There are no funds in here other than to say that

you, personally, and members of your staff sort of acted as a liaison so that the head office was involved. You did go on for something like a page and a half to say how interested your ministry was in providing better access to the north and bringing the unit cost of goods down.

But, with the expenditure of anywhere from \$3.5 million to \$5 million on the airstrip programme in the north, which was one of the items you deal with in your conference, there is no evidence of benefits, to my knowledge, in areas like Sandy Lake, in Big Trout, where we have had the airstrips in operation for over a year; you have got your DC-3s coming in—

**Mr. Sargent:** He is on the wrong vote, Mr. Chairman.

**Mr. Stokes:** —weather permitting. How are you going to justify the expenditure of more dollars in this programme until you can demonstrate conclusively to the people on whose behalf those facilities were built, there is going to accrue to them some real benefit? If there are any benefits from this programme at the present time, it's going into the pockets of the carriers and I don't think that was your intent. So I am wondering, since I wasn't invited to the conference—

**Hon. Mr. Bernier:** It was open.

**Mr. Stokes:** Well, I wasn't invited to it and I didn't know whether it was open or not, because when I did ask of someone the locale was Moosonee, with the water problem. Never at any time was it indicated to me that it was open. I assumed that you were there only by invitation. So, as I say, I didn't know other than what I read in the newspapers.

Now, you did make a concession to the president of the Treaty No. 9 bands and the chiefs involved that you would start a pilot project of winter roads in Attawapiskat and in the Round Lake area, but I am wondering how realistic is it to recommend that you pursue this airstrip programme, solely from an economic point of view.

I know that as far as access goes you are getting people in and out to a much greater extent than is possible with float or ski equipped aircraft. If you have an all-weather surface where you can bring people in, it would be better for emergency services and for transportation in and out. But I think the main thrust of the Highway in the Sky programme was to bring down the unit cost. At least, that was one of the objectives.

**Mr. Sargent:** What vote are you on?

**Mr. Stokes:** We are on the minister.

**Mr. Chairman:** Vote 2201.

**Mr. Sargent:** You are talking airstrips and air services; for five minutes, you have been talking air services.

**Mr. Stokes:** I am talking about a programme that was undertaken by the minister.

**Mr. Sargent:** Well, that's not what I heard. Let's talk about air services for a while then.

**Mr. Chairman:** Order, please.

**Mr. Sargent:** You let him talk about it. What are you going to do? Are you going to depart for a while?

**Mr. Stokes:** Well if you don't understand, that's your problem, not ours.

**Hon. Mr. Bernier:** May I respond to the hon. member for Thunder Bay? That's a very good point he brought up. It's one that we wanted to pursue further with the Treaty No. 9 bands and this is the prime reason why we took the initiative and called the conference.

I think it is fair to say that both the Minister of Community and Social Services (Mr. Brunelle) and I met on two occasions with the Treaty No. 9 bands and all the chiefs from the remote areas and it was obvious in those discussions that the Highway in the Sky programme was very effective in providing them with year-round access. Now they have a feeling that they are not remote any more. Twelve months of the year, 52 weeks of the year, they have access to the outside world. In the case of emergencies, they can get out. No problem; it's great.

But you are quite right in saying that it did not have the economic effect of lowering the cost of living in those remote areas. We felt very strongly that it should have. I understand one carrier now has implemented quite a fleet of DC-3's and is making a regular run around there. There is concern that he may eventually obtain a monopoly position. There may be a reduction in costs at this point in time because there is competition, but there is a fear in the field—and these are only rumours—that he may end up in a monopoly position in the north. Of course, how do we control the freight rates again?

We wanted to sit down with the chiefs to get their reaction on their original request that we develop a complete network of winter tote roads. These are just winter tote roads; they're not all-year-round roads. There

was some concern, and I expressed it myself, about the social impact that having these roads constructed would have on their particular communities.

We agreed at that time that we would embark on two experimental routes, one to Attawapiskat from Moosonee, a distance of 195 miles, and another from Pickle Lake into Round Lake; one on the west side and one on the east side. In conjunction with that we would do an economic study. We would look at the communities today; tomorrow, as the roads were being built and, as freight and foodstuffs were transported during the winter, find out what the results were then. Of course, we will follow up on what the results are after the road is completed and the foodstuffs and the other commodities have been delivered, to see if there is a lowering in the cost of living in those particular communities. The Ministry of Community and Social Services will be doing those economic studies. The NORT committee has already voted the funds. It's \$160,000 for both roads, and we have so notified the Treaty No. 9 bands.

I might say, just as late as this morning, I received a copy of a letter from the chief of Round Lake. He is having reservations—

**Mr. Reid:** And no pun intended.

**Hon. Mr. Bernier:** —as to the construction of this particular road. He's gone back after our meeting, after his request to us that we embark on this programme, saying that his people are really not sure they want that winter tote road because of the influence of the white man. I think it's a fair request. He's asked us—

**Mr. Stokes:** That's why you stopped your access road north of Central Pat.

**Hon. Mr. Bernier:** That's right; at their request.

**Mr. Stokes:** Yes.

**Hon. Mr. Bernier:** Now we are caught on the horns of a dilemma. Do we move ahead against their wishes or do we wait until they respond? They've asked us not to move ahead too quickly. They want to have a further examination of the impact of this road and they will be responding to us shortly. We're hung up on that particular road but it's obvious we won't be moving in until late in December for the construction of that winter tote road. We'll have plenty of time to discuss it between now and then. But there is fear; I think you're as aware of it as I am. While they want a lowering in the cost of living and roads they're fearful of what a

good winter road will do to their communities, with the influx of an outside culture.

**Mr. Stokes:** I don't want to pursue it because it is not something of general interest right across the province. But I would ask will you, in concert with experts within the Ministry of Transportation and Communications—and they've got some good ones there—do a cost-benefit analysis of your airstrip programme? If all we're doing is lining the pockets of the carriers up there, I think we should prevail upon them to build the airstrips which are going to be used exclusively by them, because I don't think it's a wise use of funds.

If we're going to subsidize anybody let's subsidize the consumer, who's getting it in the neck right now, rather than the carrier. The carrier is quite capable of looking after himself within the rate structure but the consumer isn't. If we're going to spend taxpayers' dollars, let's get somebody in there who knows about rates, knows about payloads and everything else and see what kind of benefits are accruing to the carrier and say, "All right, you direct a portion—"

**Mr. Sargent:** What the hell are you doing? You're on the wrong vote.

**Mr. Chairman:** This comes under services.

**Mr. Sargent:** You're not on air services. You're on vote 2201.

**Mr. Stokes:** Right. We're talking about a project which was undertaken by this minister.

**Mr. Sargent:** Mr. Chairman, you've had this meeting on for three hours now and you haven't had anybody but the NDP talking here. It isn't fair.

**Mr. Ferrier:** You're talking. Have you joined the NDP now?

**Mr. Stokes:** Could I get that kind of assurance?

**Hon. Mr. Bernier:** Yes, if you look at my comments on Treaty No. 9, I should send you a copy to read, you will see that one of the things we're going to look at is the margin of profits of carriers and the store operators. That's what we're concerned about.

**Mr. Foulds:** We can't help it if the Liberal Party has no policy in this ministry.

**Mr. Reid:** With all due respect, this has nothing to do with the estimates before us.

**Mr. Chairman:** Order please.

**Mr. Stokes:** Then you are pursuing it?

**Hon. Mr. Bernier:** Yes, that's part of the study. They're all in a monopoly position.

**Mr. Sargent:** Mr. Chairman, I'm talking policy. Mr. Minister, you said a few moments ago that the mining industry made \$1 billion in sales last year.

**Hon. Mr. Bernier:** No, that's total value of mineral production.

**Mr. Sargent:** Yes, I know.

**Hon. Mr. Bernier:** It was \$1,779 million.

**Mr. Sargent:** Do you realize that an \$85 million tax is about one-tenth of one per cent on sales?

**Mr. Stokes:** That is vote 2204.

**Mr. Sargent:** I am talking policy.

**Mr. Stokes:** That is vote 2204, resource policy.

**Mr. Sargent:** Come on, Jack, you held the floor for half an hour. This is important, you should realize that. Because a one-tenth of one per cent tax on this industry—

**Mr. Stokes:** It is important, but out of order.

**Mr. Sargent:** All right, we will talk on air services for a while, if that's the way you want to go.

**Mr. Reid:** Mr. Chairman—

**Mr. Chairman:** The member for Rainy River.

**Mr. Reid:** Thank you, Mr. Chairman—

**Mr. Laughren:** Did you yield the floor, Eddie?

**Mr. Sargent:** Let's hear something intelligent for a change.

**Mr. Reid:** Mr. Chairman, I would like to speak very briefly on policy as it relates to the timber branch. I would like to know, very briefly, if you have come to a decision in regard to the proposed plan at Atikokan, and when are you going to indicate it?

**Hon. Mr. Bernier:** It is my understanding that the Boise Cascade people have a proposal pulled together and they are going to take it to their board of directors either tomorrow or the day after. They will be in Toronto next week to present it to our ministry.

**Mr. Reid:** And then when will a definitive—

**Hon. Mr. Bernier:** Very, very quickly.

**Mr. Reid:** Within a month?

**Hon. Mr. Bernier:** Oh, earlier than that. I think we can look at that within the next 10 days. A week after we get their proposal, we can assess it, compare it with Pluswood's, because we want to get the maximum benefit for the Atikokan people.

**Mr. Reid:** Well, I hope you will keep that in mind, because Boise Cascade has done very little for the town of Atikokan.

**Hon. Mr. Bernier:** That's our whole thrust.

**Mr. Reid:** Well, Mr. Chairman, what I'd like to go on with in the few minutes that are left is the policy in regard to regeneration of forest land in the Province of Ontario.

**Mr. Chairman:** That's under another vote.

**Mr. Reid:** Is that not a policy? Well, if you don't like that one, I would like to discuss ministerial policy in the realm of where you appoint or pick out one company, give them a volume agreement and require everyone else in the area to sell their wood to that company. I am thinking of Boise Cascade in the Fort Frances area and Laidlaw in the Thunder Bay area.

I can understand the point that you have to guarantee a company the wood or they are not going to put up a \$50 million or \$60 million plant. This is fine, but once you interfere in the marketplace like that, do you not feel it incumbent upon your ministry to ensure that the independent producer is getting a fair price for his wood, because you put the company in a monopoly position?

**Mr. Chairman:** I think this would come under forest management in vote 2204, with all due respect, Mr. Reid.

**Mr. Reid:** Well, with all due respect, we are going to fight among ourselves and that's the guy we are supposed to get. Now, I am telling you that if you make a decision one way, Mr. Chairman, you be consistent in it, because I listened to Mr. Stokes and he was clearly out of order. I don't care what the minister says, that airstrip programme comes under transport and communication.

**Mr. Stokes:** I was talking about an activity that was undertaken by this minister, an initiative that he took.

**Mr. Reid:** That wasn't an initiative he took. Irwin Haskett came up with that.

**Mr. Stokes:** Read the minister's opening statement.

It being 6 o'clock, p.m., the committee took recess.

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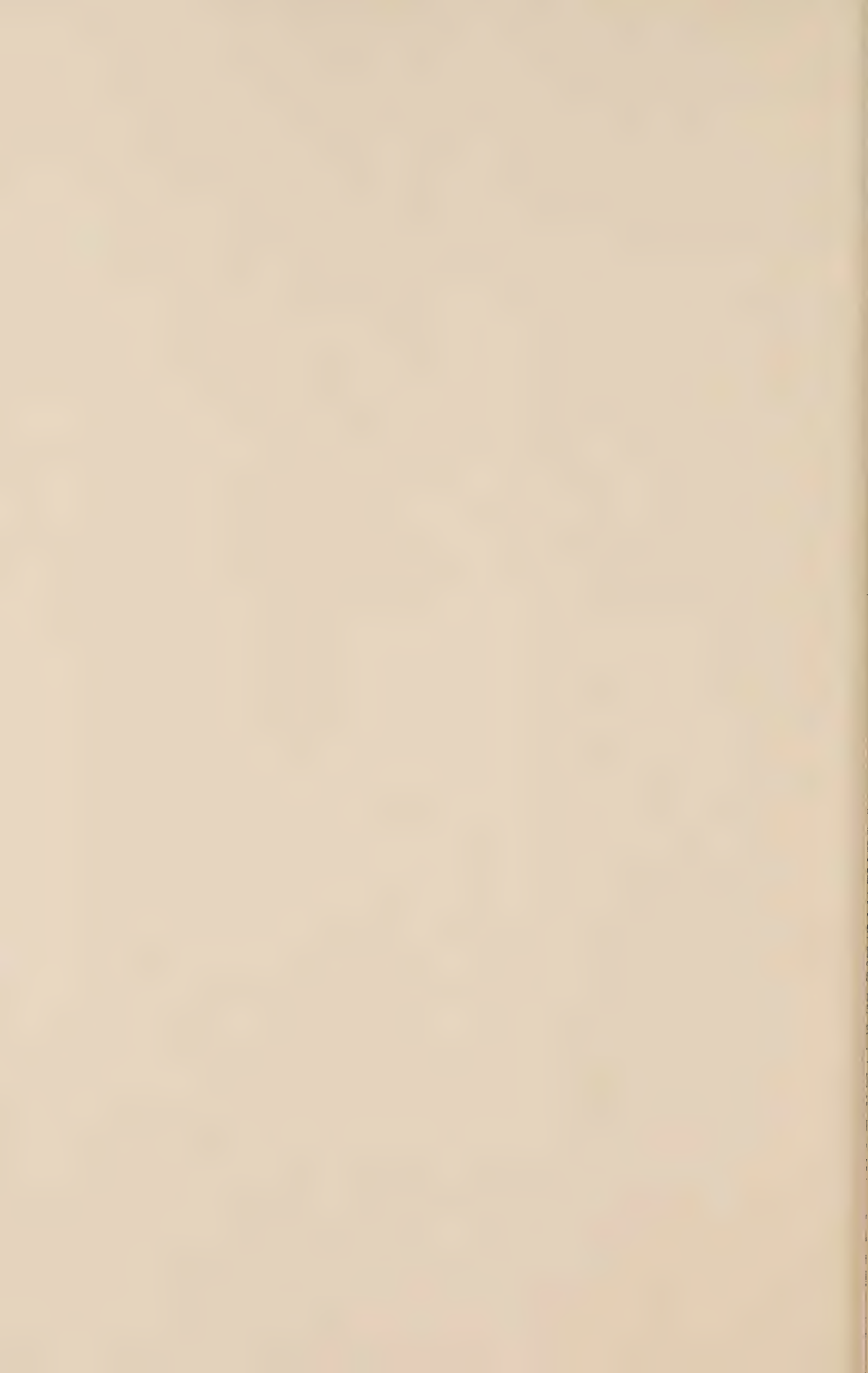
Tuesday, May 7, 1974

Opening statements ..... S-467

Recess ..... S-496









# Legislature of Ontario

## Debates

Ontario. Legislative Assembly

### ESTIMATES, MINISTRY OF NATURAL RESOURCES

Standing Resources  
Development Committee  
Chairman: Mr. R. K. McNeil

OFFICIAL REPORT — DAILY EDITION  
Fourth Session of the Twenty-Ninth Legislature

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**Tuesday, May 7, 1974**  
Evening Session

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Speaker: Honourable Allan Edward Reuter  
Clerk: Roderick Lewis, QC

THE QUEEN'S PRINTER  
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# LEGISLATIVE ASSEMBLY OF ONTARIO

TUESDAY, MAY 7, 1974

The committee resumed at 8 o'clock, p.m.

## ESTIMATES, MINISTRY OF NATURAL RESOURCES

(continued)

On vote 2201:

**Mr. Chairman:** We are discussing vote 2201, item 1, main office.

**Mr. W. Ferrier** (Cochrane South): On a point of order, Mr. Chairman. Before the supper hour I think I inadvertently misled the committee. I talked about the mining companies crying like a stuck pig; one of my rural friends informed me that a stuck pig doesn't cry, it squeals. So I am sorry I mislead the committee.

**Mr. Chairman:** Any further discussion on item 1?

**Mr. E. Sargent** (Grey-Bruce): Do you have the intention to discuss the estimates vote by vote?

**Mr. Chairman:** Vote by vote.

**Mr. Sargent:** On vote 2201, are you going to take items 1 to 9—

**Mr. Chairman:** Right.

**Mr. Sargent:**—collectively—

**Mr. Chairman:** No.

**Mr. Sargent:**—or individually?

**Mr. Chairman:** Individually, from now on.

**Mr. Sargent:** Do you know what you are doing this time?

**Mr. Chairman:** Well, I hope you do.

**Mr. Sargent:** Well, I would never know when you are the chairman.

**Mr. Chairman:** No, I guess you wouldn't. I don't think you'd know if I wasn't either.

**Mr. Sargent:** Respectfully, you let Jack go on for a long time off-base—

**Mr. Chairman:** Well, you were off-base too, and I say we are going to discuss vote 2201, item 1. Is there any further discussion regarding this item?

**Mr. Sargent:** How much are you getting paid in this job?

**Mr. Chairman:** This is the main office.

**Mr. Sargent:** I had the floor when the House closed, so I'll take the floor now. Mr. Minister, you are jumping your main office budget by about \$600,000, or almost a 33½ per cent increase, in the 18 months since 1972-1973. How many employees do you have in the main office?

**Hon. L. Bernier** (Minister of National Resources): Mr. Chairman, our estimates for the main office this year are down about \$210,000 from the 1973-1974 estimates.

**Mr. Sargent:** Mr. Minister, in the paper you gave today you said the decision-making process was the reason for this whole programme jumping in many cases to a 50 per cent increase in budget. The decision-making process started 18 months ago; so I suggest you should take it from 1972-1973 because that's what we're talking about here. How do you justify a 33½ per cent increase in 18 months?

**Hon. Mr. Bernier:** Where is that increase again?

**Mr. D. J. Wiseman** (Lanark): I think he's at the second one, isn't he?

**Mr. Sargent:** Main office.

**An hon. member:** No, field offices.

**Mr. J. N. Allan** (Haldimand-Norfolk): It's down. How do you justify it being down?

Interjections by hon. members.

**Mr. Sargent:** Getting back, the minister gave a paper on the reorganization, which started in 1972-1973.

**Hon. Mr. Bernier:** Those are field offices. That's the next one, item 2.

**Mr. Wiseman:** Can I go back to the first one, now?

**Mr. Sargent:** The actual figure for 1972-1973 was \$1,943,428. Now you are asking for \$2,561,000.

**Hon. Mr. Bernier:** Yes.

**Mr. Sargent:** That's about \$600,000 more.

**Mr. Allan:** Yes, but that's two years ago.

**Hon. Mr. Bernier:** You're going back two years now.

**Mr. Sargent:** That's when this whole process started. The reorganization was in 1972-1973.

**Hon. Mr. Bernier:** No, the reorganization would be in the field offices, the next item.

**Mr. Sargent:** Pass. Okay.

**Mr. Chairman:** I think the hon. member for Lanark had a question.

**Mr. Wiseman:** I just wondered why the services under that main office are almost 20 per cent of the total vote. There must be some simple reason for that when you go down to the next row, services are only \$181,000 compared to close to \$500,000 in the first vote. What would that be composed of?

**Hon. Mr. Bernier:** Which?

**Mr. Wiseman:** In the first one, under the main office, services are \$466,000, almost 20 per cent of the total vote there. What would that consist of? It seems quite a bit higher than any other one all the way down the page.

**Mr. R. R. MacBean** (Executive Director, Finance and Administration Division): There are charges for rental and purchase of equipment, maintenance of machinery, buildings and lands, data processing charges, insurance premiums and miscellaneous charges for special services.

**Mr. Wiseman:** Your head office?

**Mr. MacBean:** Yes.

**Mr. Chairman:** The member for Wellington-Dufferin.

**Mr. J. Root** (Wellington-Dufferin): I may be out of order, but before the dinner hour there was a bit of a raging discussion. I've always been interested in the north. I've

motored in the north. I've seen the winter road to Attawapiskat.

**Mr. Chairman:** That wouldn't be in the main office vote.

**Mr. Root:** The other matter—maybe it's coming up later—was forest inventory in that area.

**Mr. Chairman:** That would be in another vote, too.

**Mr. R. Haggerty** (Welland South): Are we still on the main vote?

**Mr. Chairman:** The main office, item 1, is that carried?

**Mr. F. Laughren** (Nickel Belt): No, Mr. Chairman. There are a number of people who want to speak.

**Mr. Chairman:** The hon. member for Sudbury East.

**Mr. E. W. Martel** (Sudbury East): I'd like to get some clarification as to whether this should be discussed under this item.

**Mr. J. E. Stokes** (Thunder Bay): No.

**Mr. Martel:** Thanks, Mr. Stokes, you're probably right. The case involves one Mr. Szwee and the fact that the ministry allowed him to be exploited by one Mr. Pagnutti over allowing the construction of a road across his private property. It came from this ministry to allow that. I want to know if I can discuss it here.

**Mr. Stokes:** That's under land.

**Mr. Martel:** No it is not.

**Hon. Mr. Bernier:** That would not be under the main office.

**Mr. L. Maeck** (Parry Sound): It should be discussed under Transportation and Communications.

**Mr. Martel:** Well, it would be policy; it would be under the main office.

**Hon. Mr. Bernier:** It shouldn't be under this vote. Is it an access road?

**Mr. Martel:** No, it is not. It is a public road. It is being built by a private individual across someone's private property with the concurrence of this ministry.

**Mr. Chairman:** I don't think that would come under the main office.

**Mr. Martel:** Well, I want to know where it comes. I am certainly not going to let it

go by, because main office allowed it.

**Mr. Maeck:** They didn't build any roads in the main office.

**An hon. member:** Mr. Chairman, you'd better tell him which vote.

**Mr. Martel:** I just want to know which vote, Mr. Chairman.

**Mr. Chairman:** It probably would come under vote 2202, item 2, land and water protection.

**Mr. Martel:** No, it is a road to a gravel pit, but it is across private property. It is a public road being built by a private contractor.

**Mr. Stokes:** Well, vote 2202 deals with Crown land.

**Mr. Martel:** It is not Crown land. It is private land.

**Mr. Stokes:** Yes. So if it was a policy that was enunciated by this ministry it would come under the main office vote.

**Hon. Mr. Bernier:** Let's keep it under vote 2202, item 7, which is land, water and mineral title administration.

**Mr. Martel:** It deals with private property, Mr. Minister. That is why I didn't want to—

**Mr. Chairman:** Yes. Well, we will keep it under vote 2202, item 7.

**Mr. Martel:** I'm flexible. The other thing I want to say, Mr. Minister—and again I don't know if it comes under policy—is that you might want to discuss, under land, a lottery v. the auction system for Crown land for recreational purposes. I am not sure whether you want to discuss it under policy or whether you want to discuss it under recreational land.

**Hon. Mr. Bernier:** Recreational? Yes, vote 2202.

**Mr. Chairman:** Okay. Any further discussion on the main office? The hon. member for Nickel Belt.

**Mr. Laughren:** Well, again I am not too sure what this comes under, but it has to do with the question of staff accommodation in the more remote communities of northern Ontario. It would seem to me that there has been a precedent set—

**Mr. Stokes:** That is item 2.

**Mr. Chairman:** I think that would be under field offices, wouldn't it, Mr. Minister?

**Hon. Mr. Bernier:** What's this?

**Mr. Chairman:** Staff accommodation.

**Hon. Mr. Bernier:** Yes, field offices, the next item.

**Mr. Laughren:** Okay.

**Mr. Chairman:** Is there any further discussion on item 1?

**Mr. Haggerty:** Yes, Mr. Chairman. I would like to deal with the finances now. I notice there is a reduction in the main office of approximately \$200,000. Since it has been the practice in the other ministries' estimates that there is substantial increase, can the minister inform the committee why there is a decrease?

**Hon. Mr. Bernier:** I might get Mr. MacBean to elaborate further, but I think this is our reorganization.

**An hon. member:** This is what it is.

**Hon. Mr. Bernier:** Yes. Some of the services were pushed out to the regional offices and to the district offices.

**Mr. Haggerty:** Is the deputy minister going to be relocated in northern Ontario?

**Hon. Mr. Bernier:** We now have an assistant deputy minister located in northern Ontario, Mr. Ringham.

**Mr. Haggerty:** What branch, though?

**Hon. Mr. Bernier:** All-encompassing. Yes, we have four assistant deputy ministers. Mr. Ringham is the assistant deputy minister for northern Ontario. Mr. Foster is the assistant deputy minister for southern Ontario. And we have two assistant deputy ministers in head office dealing with the administration, one for lands and one for resources.

**Mr. Haggerty:** Where is Mr. Ringham located? In Fort William?

**Hon. Mr. Bernier:** Yes, in Thunder Bay.

**Mr. Laughren:** Are you going to introduce your senior civil servants?

**Hon. Mr. Bernier:** Yes, I really could, you know. Is Lew here? That is Mr. Ringham at the back. He is a very able fellow who really knows northern Ontario, I must admit—maybe even better than the minister.

**Mr. Martel:** That wouldn't be too hard, would it?

**Hon. Mr. Bernier:** Bill Foster is the assistant deputy minister for southern Ontario, Art Herridge is the assistant deputy minister for resources, Walter Giles is for lands and waters, and of course they all come under the deputy minister, Mr. Keith Reynolds.

**Mr. Martel:** He should be placed in northern Ontario.

**Mr. Sargent:** They are high-paid help.

**Hon. Mr. Bernier:** That's the power, boy. That's the power.

**Mr. Chairman:** Any further discussion on the main office?

**Mr. Sargent:** Where do you talk about items in the public accounts?

**Mr. Ferrier:** In the public accounts committee.

**Mr. Wiseman:** In the public accounts committee.

**Mr. Sargent:** Oh no, we don't. We talk about them here in Natural Resources.

**Hon. Mr. Bernier:** What specific items?

**Mr. Sargent:** An item of \$502,000 to Abitibi paper company.

**Hon. Mr. Bernier:** We can discuss it right at this particular point, Mr. Chairman, if the committee is agreeable.

**Mr. Chairman:** All in favour.

**Hon. Mr. Bernier:** I don't know where we would put it really. We haven't got a separate vote for that particular item. It would be, I suppose, under administrative services. No, it wouldn't be there either.

**Mr. Sargent:** How is the government paying them? How are you paying them a half million dollars?

**Hon. Mr. Bernier:** That is likely a regeneration programme which we do in co-operation with them.

**Mr. Sargent:** What does that mean?

**Hon. Mr. Bernier:** The planting of trees. A silviculture programme.

**Mr. Sargent:** We are paying them half a million dollars?

**Hon. Mr. Bernier:** We can get the details for you. We don't have them right here at our fingertips.

**Mr. Sargent:** I would like that, please.

**Hon. Mr. Bernier:** Okay.

**Mr. Sargent:** Also, what's the item for \$289,000 to Dominion Helicopters?

**Hon. Mr. Bernier:** That's for rental of helicopters that we got involved with for certain programmes. One is the forest management programme, plus fire fighting services, and also for the geological branch.

**Mr. Sargent:** We can discuss that under air services, can we?

**Hon. Mr. Bernier:** Yes, we can discuss it there.

**Mr. Sargent:** Okay, thank you.

**Mr. Chairman:** Mr. Newman.

**Mr. B. Newman (Windsor-Walkerville):** Mr. Chairman, I wanted to bring up a subject that I have brought up for years and years in this House. That is Fighting Island and the licences of occupation that are issued by the ministry to BASF Industries, which is Wyandotte Chemical Co., a German multi-national that dumps its liquid wastes on the island situated on the Canadian side of the Detroit river.

For the original licence of occupation, number 3879, issued in 1936, the minister collected \$25 a year. Now, for the new licence of occupation, number 6641, issued on April 25, 1949, the ministry collects \$246 a year. That's \$246 a year, Mr. Minister, 25 years after the last signing of the licence of occupation.

Surely, Mr. Minister, one thing that you can do and the least that you can do is substantially increase the fees for the licence of occupation. Not that I want a licence of occupation issued to the chemical company. I would prefer to see you tell them that they have a certain number of years in which they are to cease dumping liquid wastes on a Canadian island in the Detroit river, although they may own that island.

Mr. Minister, we have got to start sometime. We might as well start now in telling BASF, the German multi-national, that we no longer want American liquid wastes dumped on the Canadian island. I think that your ministry could not only look into substantially increasing the fees, but if you

can't get them off by the licence of occupation, make the fees so blooming high that they will find other places in the state of Michigan to dump their liquid wastes instead of on a Canadian island.

Whether the wastes are polluting the Detroit River or not is beside the point. I don't think that we should be taking that. I think that you, Mr. Minister, have the power through this licence of occupation, either to increase the charges substantially or give them a period of time within which they are to cease dumping liquid wastes on Fighting Island. You should be looking into a long-range programme of purchasing these islands in the Detroit River because in the not too distant future you are not going to have sufficient parkland to accommodate the residents of Essex county.

**Mr. Chairman:** I will have to rule the member out of order because it should be on another vote.

**Mr. B. Newman:** It's in vote 1 under the main office. This is where I brought it up every year that I have ever brought it up and I intend to bring it up now. Under what vote will you accept it then, Mr. Chairman?

**Mr. Chairman:** Under 2202, item 2, land and water protection or land and water—

**Mr. B. Newman:** Well, it's not necessarily water protection or anything of that sort. It's a licence issued by the ministry, whether it is protecting water or not. The ministry, under the Main Office, gives permission to a German company to get rid of liquid wastes through a pipeline, and that would be under main office and a policy decision on the part of the ministry under vote 1.

**Hon. Mr. Bernier:** It doesn't deal with that particular vote.

**Mr. Chairman:** It really doesn't deal with that but we will accept your submission.

**Hon. Mr. Bernier:** I could answer the member now.

**Mr. B. Newman:** I will only repeat it later on, Mr. Chairman.

**Mr. Chairman:** We might as well deal with it now that you have made your point.

**Hon. Mr. Bernier:** But be firm with him.

**Mr. B. Newman:** Apparently the ministry doesn't have an answer. They insist on allowing this company to continue their prac-

tices as they have for the 30 or so years now—BASF Industries of Germany.

**Hon. Mr. Bernier:** Mr. Chairman, if I may respond, now that we have gone this far. I realize the chairman wants to be much firmer so that we can deal with them in a more orderly manner. This matter with Fighting Island — it is correct that the member did bring it up before this committee, I believe it was last year.

At that time we looked into it and found that it was privately held land. We had entered into a lease arrangement and certainly I will undertake to review the lease amount when the lease has expired. I don't think that we can break a lease agreement that we have entered into. Certainly I would give the member that commitment — to examine the lease amount when the lease is up for renewal. But I can't move in before the lease comes to a point.

**Mr. B. Newman:** Mr. Chairman, the lease can be terminated at any year. It is not a lease that comes along and continues in perpetuity. It is payable on the 1st day of January in each and every year. So the lease can be terminated at any time during the course of—

**Hon. Mr. Bernier:** I will have my officials examine the wording of the lease and if we can have a look at it, but I say to you that we did check with Environment and I understand that they have no objections to—

**Mr. B. Newman:** Mr. Minister, wouldn't you be concerned yourself that we have this going on? Have you seen the island itself?

**Hon. Mr. Bernier:** No, I haven't.

**Mr. B. Newman:** Fly over it, Mr. Minister, you will have your eyes opened. You are going over a white Sahara.

**Mr. Chairman:** Mr. Allan?

**Mr. Allan:** Mr. Chairman, if the property is owned by the company how did you come to give them a lease?

**Mr. B. Newman:** They are using the bed of the Detroit River, the international waterways.

**Hon. Mr. Bernier:** Pipeline.

**Mr. B. Newman:** Pipeline yes, but not the island.

**Hon. Mr. Bernier:** Not the island itself, no.

**Mr. Haggerty:** Who owns the island?

**Hon. Mr. Bernier:** It is privately owned. It has been there for years and has been privately owned for years.

**Mr. Root:** When this was first let who owned it?

**Mr. B. Newman:** In 1936 under a previous administration, but since 1949 for 25 or so years, this government has been permitting this to go on, and I think that is long enough now. We have got to put a stop to it.

**Mr. Stokes:** You are saying though that the licence was issued by Mitch Hepburn?

**Mr. B. Newman:** I don't know whether it was Mitch Hepburn or whether it was one of your relatives, Jack.

**An hon. member:** I think our investigations will prove that.

**An hon. member:** I didn't want to say that.

Interjections by hon. members.

**Mr. Chairman:** Order.

**Mr. B. Newman:** The fact that Mitch Hepburn may have done this doesn't mean that this ministry has to carry on with what has gone by in the past. Apparently what you are saying is that Mitch Hepburn did then was good—by carrying on the lease.

**Hon. Mr. Bernier:** It may be difficult for us to legally terminate a lease without cause, and that's something we would have to look into.

**Mr. B. Newman:** Mr. Minister, all you have to do is look at the lease and you will find that you can terminate it each year.

**Mr. Chairman:** Any further discussion on main office?

**Mr. Haggerty:** Yes, Mr. Chairman, I wanted to follow along the lines that the member for Grey-Bruce had mentioned here about the Abitibi paper company—\$502,000. The minister said it was for reforestation. I suppose that is for planting—we thought that's what it was—planting small trees. Let's go through this. This is from the Public Accounts 1972-1973 material supplied, and there is Algoma Land and Timber Co.—\$28,000.

**Mr. Maeck:** That is another vote, Ray.

**Mr. Haggerty:** Oh no, Beaver Lumber Co.—\$79,000; Conklin Lumber Co.—\$21,725—

**Mr. Allan:** Mr. Chairman, I looked back and this comes much later.

**Hon. Mr. Bernier:** We are not examining the public accounts.

**Mr. Haggerty:** Oh, but the minister said "for reforestation purposes."

**Mr. Allan:** Wouldn't this come under forest management?

**Hon. Mr. Bernier:** Mr. Chairman, we don't have all the details for every one of those expenditures in the public accounts; now let's be reasonable. We are examining the expenditures of the ministry as they are in the estimates.

**Mr. Haggerty:** We will deal with helicopter services too, then?

**Hon. Mr. Bernier:** Yes, we can answer those. If you are specific and want a specific reply to a specific request, then we will get that.

**Mr. Haggerty:** All of those dealing with the—

**Mr. Stokes:** This is going to be a long estimate, Mr. Chairman, I can see it coming.

**Mr. Martel:** You don't have any engagements, do you, for the next three weeks?

**Hon. Mr. Bernier:** No, for the next two years.

**Mr. Sargent:** You can call in a consulting firm on that one.

**Mr. Haggerty:** Has the minister anything to report on policy on the Onakawana development?

**Hon. Mr. Bernier:** I will have something to report in the proper vote. Yes I will.

**Mr. Martel:** Let's get organized over there.

**Mr. Haggerty:** We are organized. We know what we are doing.

**Mr. Stokes:** I want one question on 2201, item 1. Is there anything in there that copers the salary of professional foresters?

**Hon. Mr. Bernier:** In the main office?

**Mr. Stokes:** Or does it come under the timber branch?

**Mr. MacBean:** Yes, Mr. Minister, it includes in this particular vote what is known as the policy research branch, which has a number of professional foresters on its staff.

**Mr. Stokes:** What do they do?

**Mr. MacBean:** They are doing planning and economic studies.

**Mr. Stokes:** All right. Is it the impression of the minister—it would be unfair to ask the deputy minister—what about the assistant deputy minister of the timber branch: When are you going to raise the complement of foresters more in keeping with what is required, now that there is ever-increasing use of the allowable cut? I am not going to get into it in any great detail. I am saving that for later on. But I want to ask you here and now so that you will be prepared. When are you going to increase the complement to the extent that is absolutely essential to carry on the duties that are expected of the main office in its liaison with the timber branch?

**Hon. Mr. Bernier:** Mr. Herridge will answer that.

**Mr. A. J. Herridge** (Assistant Deputy Minister, Resources and Recreation): We are in the second year now, Mr. Stokes, of the timber production policies. In each of the first two years we have received complement increases. In the first year I think it was a total of 50; and for the current year it is a total of 37 additional complements. I am not certain of the breakdown as between professionals and technicians, but in the 37 there were perhaps 15 or so professionals and the balance were technicians.

**Mr. Stokes:** Within the main office?

**Mr. Herridge:** Oh no, no. I am sorry. No, not in the main office.

**Mr. Stokes:** I am just dealing strictly with the main office. I am trying to keep in order, Mr. Chairman. How many more professional foresters or people dealing with forestry have you got in the main office now, as opposed, say, to last year or two years ago?

**Mr. Herridge:** I think the answer is none.

**Mr. Stokes:** Thank you.

**Mr. Chairman:** Vote 2201, item 2. Field offices.

**Mr. Sargent:** Mr. Chairman, Mr. Minister, in field offices I can see why you are reducing your moneys needed in vote 1, because you have picked up a lot of the costs in vote 2 and you have increased your needs almost \$2 million, or an upgrading of about

50 per cent. My concern is this, that your whole theme has been the decision-making process in this whole review of the other departments. And in the overall vote, Mr. Chairman, we are up 33½ per cent this year. Whose idea, Mr. Minister, was it to go this route insofar as this fantastic reorganization? Was it yours personally, or was it the civil servants'?

**Hon. Mr. Bernier:** No, it was not mine personally. It was an overall government policy and this stems from the committee on government productivity. If you watch other ministries you will see that they are also going through a major reorganization. I think when you are in the year 1974 and have been operating in the same structure as we have for X number of years, there are new demands. We have brought two ministries together: the old Department of Mines and Northern Affairs and the old Department of Lands and Forests. We have the conservation authorities now within our ministry; the Historical Parks Board. All these are in one new ministry. It was obvious we had to reorganize to provide the public with the delivery services that we are expected to do.

**Mr. Sargent:** It is a policy laid down to your ministry—you followed it. That was your guideline.

**Hon. Mr. Bernier:** Yes.

**Mr. Sargent:** In other words, the civil service are telling the people of Ontario what is good for them. You have increased your offices from 21 to 49, and in northern Ontario to 27 district offices. In effect, do you think we are going to give any better service to the people than we had before?

**Hon. Mr. Bernier:** Yes.

**Mr. Sargent:** To the extent of an increase of one-third of the whole budget?

**Hon. Mr. Bernier:** Well, much of this is a one-shot deal; because there are new offices to establish, homes to establish and people to move. Once this is completed, then, of course, this won't be an on-going expense.

**Mr. Sargent:** You mean this \$6 million in this vote, Mr. Minister, will be less next year?

**Hon. Mr. Bernier:** That figure won't be there. There will be inflationary costs, they obviously will be there, but these same costs

won't be on a continuing basis once the expenditure is made.

**Mr. Stokes:** They are not recurring.

**Hon. Mr. Bernier:** They are not recurring, is what I'm trying to say, and we are providing the people of the Province of Ontario with a better service. The parallel I used is with regard to the old system and the new system in northwestern Ontario. The people at Red Lake under the old system had to travel 200 miles to Sioux Lookout to obtain a commercial fishing licence, to obtain a summer cottage lot lease. Now there is an office in Red Lake. Those decisions are made right there by a district office manager.

**Mr. Sargent:** Mr. Minister, you have served as a private member, now as a minister, and I can tell you from where I sit that I know what Jack and the boys in the north country are going through. But on my level it has increased the bureaucracy and it is a painful process to have to fight with them and fight with you too.

**Hon. Mr. Bernier:** I hate to interrupt, sir, but this was all done without an increase in complement. The same bodies are being stretched out and it was a very painful exercise, as I indicated to you earlier.

**Mr. Stokes:** They had to put them on the rack.

**Mr. Sargent:** With the greatest respect I say that it is Parkinson's law in full flight. That is all it is.

**Hon. Mr. Bernier:** No, I disagree with you, because I look at my own area—

**Mr. Sargent:** As a businessman no one would do what you are doing.

**Hon. Mr. Bernier:** In the town of Sioux Lookout we reduced the complement by 10. Some were sent to Ignace and some were sent to Red Lake. In other words we just spread out the personnel, to have more delivery points for our ministry. I think the public is entitled to this, really they are. I really do.

**Mr. Ferrier:** Do you want to keep them all down here in Queen's Park?

**Mr. Sargent:** Pardon me?

**Mr. Ferrier:** Do you want to keep them all down here in Queen's Park?

**Mr. Sargent:** If they were defusing this bomb down here and spreading it out—but

they are building here and building there too. How in the hell much can the taxpayer afford? You have got little Queen's Parks all over the place. You know what I'm talking about.

**Hon. Mr. Bernier:** Decentralization. Either we centralize or we decentralize.

**Mr. Sargent:** There is a word for that.

**Mr. Chairman:** The member for Nickel Belt.

**Mr. Laughren:** Thank you, Mr. Chairman. I want to talk briefly about the question of staff accommodation which you referred to earlier when talking to the member for Thunder Bay. I wonder if you think about the communities in which you have your Natural Resources Offices. One that comes to mind immediately is a town called Gogama. If I could just sketch it in for you a little bit, Mr. Chairman, you would appreciate the problems and wouldn't be wondering what I was talking about, because you probably have never been to Gogama.

When you drive into the town you come upon some very nice white frame houses and a nice Natural Resources complex and it is all very nicely painted, well-kept lawns, there are sewer and water services for them, and it includes the OPP as well.

And then you cross the tracks, literally, and the whole thing deteriorates and you have a town with very severe housing problems and contaminated water supply.

As a matter of fact, over 50 per cent of the wells are polluted with nitrate which is dangerous to the health of infants, and you have no sewage system whatsoever. The water supply is precarious and the water table is polluted, being a high water table. Also, a chemical spill occurred there eight or 10 years ago.

I'm wondering if you realize what it does to a town when you divide it in two like that with railroad tracks. It wouldn't always have to have tracks in the town, of course, but Gogama is really a stark picture because of the tracks. It is not their fault but you have the government depot personnel housed very nicely, serviced remarkably well—and they should be—but on the other side you have all the rest of the town who have to put up with these inferior conditions and it causes resentment in the community.

The answer, of course, isn't to give the government employees a lower standard of living; the answer is to help to bring the rest of the town up to that level.

It's not accidental that that community is an unorganized community. I suspect you understand the problems of the unorganized communities as well as any minister of the government. I appreciate the fact that there is legislation pending on the unorganized communities. I am very fearful that what will happen is that they will be taxed in order to bring them up to a level that all other communities are at now and without any of the amenities that everybody else takes for granted.

I'm wondering if there's any way that your ministry can provide the kind of expertise to the other levels of government that are trying to cope with this but are not doing a very good job. I'm sure there are places in your riding and certainly in the member for Thunder Bay's riding where, despite repeated pleas for years and years, nothing seems to happen because of the lack of legislation. I'm very concerned about things when the legislation does come in. There's already evidence that there's no consultation with the community. Already while the legislation is being drafted, I attended a conference in Gogama where there were something like 15 unorganized communities and when a fellow from TEIGA came in and told them what they were doing, they were flabbergasted. No one in those communities had been consulted.

I wonder if we could have some kind of commitment from you, when you see your own people housed in communities such as Gogama—and I could name you others just in Nickel Belt—under conditions that are much superior to the people in the rest of the towns that it might spur you as a minister of the Crown to lean on the appropriate ministries of the government, including Environment, Health and Education, to improve the services in the rest of the towns?

**Mr. Stokes:** Armstrong is another good example.

**Mr. Laughren:** There are many examples.

**Hon. Mr. Bernier:** I could respond to that quite easily because I come from one of those towns. Hudson is an unorganized community and I know the problems that that community has gone through in trying to improve the quality of life. I say to you in many of those unorganized communities, it is very difficult to find a leader. In many of our small towns you get small groups and there's no continuity.

I say to you with all sincerity that we've discussed this at great lengths within our

own Resources Development policy field. The paragraph in the Throne Speech clearly set out the government's intentions to come to grips with this problem and to give the unorganized areas, the unorganized communities some status whereby they can deal with government in the setting up of community councils. In fact, I've spoken to the Minister without Portfolio (Mr. Irvine) just as late as yesterday on the drafting of a bill, and it's moving right ahead.

I'm confident that once we get this legislation we will be able to move ahead on the community council concept whereby the people on these councils can be elected. I think in some instances they may have to be appointed because the communities are that small.

**Mr. Martel:** Could I ask the minister a question before he goes on?

**Hon. Mr. Bernier:** Just let me finish. The improvement district concept is something that we've used in the unorganized areas but they've been opposed in many areas because the appointments to the boards become a dictatorship and they are very difficult to handle. The old Department of Municipal Affairs was the watchdog over these.

**Mr. Stokes:** No local autonomy.

**Hon. Mr. Bernier:** As Mr. Stokes has pointed out, the autonomy really wasn't there. We want to change this in this new concept.

I say to you that the conference which you had in Gogama was one in which I took a personal interest and I wanted to be there. I received a notice at a very late date but I did read every brief that was sent to me. The same thread of frustration that I lived with in Hudson is right there. Fire protection, sewer and water, medical services, transportation, streetlighting, they're all there.

**Mr. Laughren:** The reason I bring it up in this particular vote in this particular set of estimates is because of the role of your ministry in the Natural Resources complex. I think that is fairly serious because of the kind of feeling it creates in the community.

**Hon. Mr. Bernier:** We would hope that we would upgrade the attitudes in those small communities. If we're building new buildings, it will show up. If we scatter them through the community, I suppose, it might be one approach to improve the general attitude of the community and it may have some merit.

**Mr. Laughren:** Mr. Stokes mentioned the \$34,000 homes. In Gogama there would probably be no private home worth more than \$10,000. It's very serious. It doesn't do much for the morale of the community when you do that.

**Hon. Mr. Bernier:** I have just been informed that all of those \$34,000 homes that we built for our government employees were built on land that had to be purchased. There was no Crown land that was available in those specific areas where we could save some dollars. That was one of the added costs. In fact, in one area we had to put in a lengthy road and actually develop a subdivision.

**Mr. Laughren:** While we are on this subject, I don't believe that the people who did the reports on Gogama really used their imaginations very much. I don't know whether you remember it or not but there was a possibility of extending the sewage and water facilities from the government complex side of the tracks to the rest of the town. The reports kept coming back that it would set a precedent in this ministry by supplying sewage and water to the rest of the town. That is a hell of a reason for not extending it. Other reports were that it would be technically difficult or expensive to enlarge the rest of the facilities and so forth. I think that that was a very short-sighted decision on the part of the ministry. I think you could at least extend those services to the rest of the town.

**Hon. Mr. Bernier:** Bill, could you comment on that particular situation in Gogama? Bill Cleaveley.

**Mr. W. G. Cleaveley** (Executive Director, Field Services Division): I think perhaps Mr. Panting can as well. I think our main problem at that point was the capacity of the system that was presently in existence.

**Mr. Laughren:** Maybe sewage but not water, surely.

**Mr. Cleaveley:** Perhaps another comment with regard to water.

**Mr. Laughren:** It is not too late by the way.

**Mr. S. B. Panting** (Director, Engineering Services Branch): No, it was my understanding that the water supply system did not have the capacity either to feed anything other than the Ministry of Natural Resources and the—

Interjections by hon. members.

**Mr. Cleaveley:** I think the answer is that we didn't have capacity in either the water or the sewage systems.

**Mr. Laughren:** Strictly you didn't, but there could have been adjustments made to both those systems to extend them. It was a policy decision, I believe. I am not suggesting that these people are responsible. I hope you will review it.

**Hon. Mr. Bernier:** We could have a look at it, yes. Yes, I will.

**Mr. Chairman:** The hon. member for Sudbury East.

**Mr. Martel:** Following along with this there was formerly an unorganized community, Wahnapiatae, part of the regional municipality of Sudbury. They are moving in Wahnapiatae and they are moving to the usage of the NIP programme—the Neighbourhood Improvement Programme—which is funded quite substantially by the federal government.

**Mr. Haggerty:** These fellows are taking all the credit.

**Mr. Martel:** No, they fund almost an equal amount. I think it is 25-25. It seems to me that one might consider that this ministry have a look at that overall NIP programme. If we're going to bring the standards up in those communities that involve not only sewer and water — you can obtain federal funding as I understand it. I could be wrong, but funding could be obtained for such things as a firehall or firefighting equipment. You can use a programme for improvement of the homes that are in those communities.

It seems to me that your ministry might take a careful look at the NIP programme, particularly where you are heavily involved in the unorganized communities. The lumber companies and the mining companies in fact draw much of their work force from these communities. Perhaps you could see if your ministry could, in conjunction with what Mr. Irvine is bringing in, make use of that plan.

**Hon. Mr. Bernier:** I think that might be outside the scope of our management of the resources of the province.

**Mr. Martel:** But the problem is, Mr. Minister, we are not getting an opportunity to discuss it with Mr. Irvine at the present time. Before the final decisions are made with respect to what is going to be in the legislation

involving the unorganized communities, it might be to your advantage to suggest to him that one take a look at the NIP programme.

**Hon. Mr. Bernier:** I can certainly do that but it may be outside of my jurisdiction as, you know, it's the Minister of Natural Resources, really. But as an individual, as a member, a northern member interested in the improvement of the quality of life in northern Ontario, then I would be glad to take that responsibility and pass it on.

Interjections by hon. members.

**Hon. Mr. Bernier:** Yes, to a point. But the actual planning and development of sewer and water services in unorganized communities and the setting up of a municipal-type structure is certainly not in my ministry.

**Mr. Martel:** No. But the type of problem that arises from many of the communities which were established—

**Mr. Sargent:** Mr. Minister, on a point of order.

**Mr. Martel:** To serve small mills and so on, very small ones; logging operations, very small ones. This comes under your purview. In fact I'm not sure whether Mr. Irvine's material can get in because there has to be some type of council to pass a resolution to say they'll go with it. But there is a lot of federal government money there, and it seems to me that we might try making use of it to improve the quality of life in those northern communities.

**Hon. Mr. Bernier:** It's a good point. Well taken. I'll make sure Mr. Irvine is made aware of it.

**Mr. Chairman:** Any further discussion on field offices? Carried?

**Mr. Wiseman:** I just asked a question under that, Mr. Chairman. The field office under salaries, how far does that go? The director or the regional manager and how many others does that pay under salaries?

**Hon. Mr. Bernier:** Mr. MacBean will answer that.

**Mr. MacBean:** The amount of money in here for field offices represents the support staff for both our regional and our district offices. By support staff I mean the accounting, the clerical staff, the purchasing staff, the safety staff and so on. All the administrative staff.

**Mr. Wiseman:** The supervisor of wildlife wouldn't be in there, would he?

**Mr. MacBean:** No, a position of that nature would be in the particular programme, such as the fish and wildlife programme. No, this is primarily office staff.

**Mr. Wiseman:** So, in the area where I am, field office of Lanark would be Mr. Vonk and support staff.

**Mr. Chairman:** Item 3, financial management.

**Mr. Sargent:** Mr. Chairman.

**Mr. Chairman:** The hon. member for Grey-Bruce.

**Mr. Sargent:** Just in passing, this represents about 1½ per cent of your total budget for financial management. Don't you think that's high?

**Hon. Mr. Bernier:** The responsibilities of this section are to provide the financial support to the services of the ministry, and to perform administrative services assigned to it. It's accounting, revenue, expenditures, budget preparation and control, financial and cost analysis, accounting systems and procedures, internal audit and other general things such as postal services and interdepartmental mail. So, it's quite a broad responsibility with regard to the actual administration of the ministry.

**Mr. Chairman:** Any further discussion on financial management?

Item 3 agreed to.

Item 4, Administrative Services.

**Mr. Sargent:** This, too, in the field of business is a high cost. One and a half per cent of total budget, that's over the ballpark figure. Do you have efficiency people telling you what you should be doing in these areas? In other words, I think you're top-heavy in personnel.

**Hon. Mr. Bernier:** Yes, Mr. MacBean assures me that there are efficiency experts who move in on a regular basis to examine the workload of the various individuals and their responsibilities. So, we're very carefully examined on a regular basis.

**Mr. Sargent:** So, you have a full-fledged financial operation within the department?

**Hon. Mr. Bernier:** Yes.

**Mr. Sargent:** Instead of leaning on the Treasury you have your own organization.

**Hon. Mr. Bernier:** We have our own administration for the ministry. You know, we're administering about \$172 million in dealing with about 4,400 personnel in the ministry.

**Mr. Sargent:** How many people?

**Hon. Mr. Bernier:** About 4,400 — 4,472 I believe, to be exact.

**Mr. Haggerty:** The transfer payments grant to the Ontario Forestry Association, \$20,000. Where is that going?

**An hon. member:** Where's that?

**An hon. member:** Page R83, at the bottom of the page.

**Mr. Chairman:** We are discussing item 3, Mr. Haggerty, financial management.

**Mr. Maeck:** We passed item 3.

**Mr. Chairman:** Or item 4, I mean, administrative services.

Item 4 agreed to.

**Mr. Chairman:** Item 5, information services, that's where your question comes in. The member for Welland South.

**Mr. Haggerty:** Could the minister give me an explanation of the grant to the Ontario Forestry Association of \$20,000 and what do they do with the \$20,000?

**Hon. Mr. Bernier:** Yes, that was increased by \$7,500 last year. It's a grant to the Ontario Forestry Association whose purpose is the promotion of sound land use and the full development, protection and utilization of Ontario's forest resources for the maximum public advantage. The programmes of the association include forest fire prevention, lecture tours, promotion of Smokey the Bear, which we are involved with—I am sure you are well aware of that particular programme —distribution of posters, pamphlets, slides, billboards, records, sponsorship of poster contests.

Good outdoor manners is another programme that they undertake, featuring Litter Pickin' Pete; it ties closely with the forest fire prevention programme and encourages care of roadside parks and portages. Resource rangers, this is a programme that the Ontario Forestry Association has developed for boys between 10 and 16 right across the Province of Ontario. The programme has about 18 clubs across the province now. They promote conservation schools and they give general forest information.

This particular organization is funded 21 per cent by the Ministry of Natural Resources. The forest industry itself contributes 36 per cent; other industries nine per cent; individual memberships about six per cent. They make about 28 per cent on their own programmes. So it's a general programme dealing with the forests, the resources in general.

**Mr. Haggerty:** In their total programme then you are talking about finances of almost \$100,000?

**Hon. Mr. Bernier:** Yes, this is a separate organization to which we give a direct grant. They operate it themselves. It's an excellent programme, I might admit. It was so good that we thought it should be considered for an increase this year.

**Mr. Chairman:** The member for Grey-Bruce.

**Mr. Sargent:** This vote has jumped 50 per cent in 18 months—no, 50 per cent in the last year. You have \$360,000, I believe, for services. What's that under propaganda there?

**Hon. Mr. Bernier:** Oh, yes. The big increase there is the operation of the Leslie M. Frost Natural Resources Centre. This is the resource school at Dorset. There is quite a substantial amount there; and then of course there is the \$7,500 to the Ontario Forestry Association. We have increased production of TV shorts in public education and also we have a design section now within the ministry and—

**Mr. Sargent:** A design section for what?

**Hon. Mr. Bernier:** A design section, yes. Maybe Mr. Mulholland could elaborate just what the design section does. Do you want to come over here, Grant?

**Mr. Chairman:** You will have to come to the microphone.

**Mr. G. Mulholland** (Acting Director, Information Services): I am Grant Mulholland, supervisor of information section, and I have never had any difficulty with people hearing me before.

**Mr. Stokes:** You weren't being bugged before.

**Mr. E. R. Good** (Waterloo North): These are tapes for the record.

**Mr. Mulholland:** The design section primarily was developed—and it's a great need—

for our working with planners, writers, photographers. We plan, conceive, design and supervise production of all printed and related communications. We initiate programmes. Signs—we try to standardize all signs—throughout parks, historical sites and wherever. Publications, you name it, to inform the public of the ministry's varied activities, to upgrade our services throughout the entire province.

**Mr. Sargent:** This previously was handled through an ad agency was it?

**Mr. Mulholland:** Not too much, no. We had one individual do it. Now we are trying to improve the whole services facility to anyone in the ministry who requires it.

**Mr. Sargent:** Is your background graphic arts?

**Mr. Mulholland:** I am not in the design section, but it is technically under public relations—information.

**Mr. Sargent:** Can you see this expense ongoing at this rate, sir?

**Mr. Mulholland:** I would think it will be considerably increased, sir. We are just starting it and we are really feeling our way right now.

**Mr. Sargent:** Will there be less—I say it kindly — would Dalton Camp be taking a licking here?

**Mr. Mulholland:** I doubt it very much.

**Mr. Sargent:** He will still get his piece of the cake too?

**Mr. Mulholland:** It is a modest start to what we hope will vastly improve our image right across the province.

**Mr. Laughren:** It certainly needs it.

**Mr. Sargent:** Where do you get your direction from?

**Mr. Mulholland:** Pardon?

**Mr. Sargent:** Where do you get policy from?

**Mr. Mulholland:** As I say, this has been newly created within the last few months. We have two contract employees. We have three personnel, one is a permanent employee. Once this is organized it will be under the director of the information branch.

**Mr. Sargent:** One more thing, sir. You are letting out some pretty healthy contracts. Is that all on a tender basis?

**Mr. Mulholland:** We are not letting out contracts—only very modestly—

**Mr. Sargent:** I am sorry, sir, I thought you said you had some subcontractors.

**Mr. Mulholland:** This will be part of their job ultimately. But there is nothing like this done, other than placement of advertising and typographical work—it's very modest.

**Mr. Wiseman:** Did you have somebody in mind, Eddie?

**Mr. Sargent:** No, it is a hell of a bite though. A \$500,000 jump in one year and you say it is going to be more. This is a real propaganda machine here; if every department has one of these we are in trouble.

**Mr. Martel:** They have.

**Mr. Chairman:** Mr. Ferrier.

**Mr. Sargent:** One more thing. Sir, do you know of any other department that has the same setup as you have?

**Mr. Mulholland:** I would think Industry and Tourism certainly are really big in that field.

**Mr. Sargent:** Yes, that is true. Thank you.

**Mr. Chairman:** Mr. Ferrier.

**Mr. Ferrier:** In this matter of information services, I note that almost daily we get across our desk another speech by the Minister of Energy (Mr. McKeough), but very rarely do we ever get copies of the speeches of the Minister of Natural Resources.

**Mr. Laughren:** Don't complain.

**Mr. Martel:** After that one last year—

**Hon. Mr. Bernier:** You mean you are not reading my speeches? I'll have that investigated immediately.

**Mr. Ferrier:** Since they have such a well-funded information service perhaps the northern members might get copies of these speeches if they pertain to northern issues. Maybe you could give that kind of a directive.

**Hon. Mr. Bernier:** I'm surprised you are not getting them and I will certainly check it out.

**Mr. Martel:** After the one you made last year at the Royal York, don't bother—when you said we were going to bankrupt the mining industry. Don't bother!

**Mr. Ferrier:** We'd like to get some ammunition so we can have a little more lively time in here each year.

**Hon. Mr. Bernier:** You mean you've got nothing on me? Is that what you mean?

**Mr. Ferrier:** Sometimes we can commend the minister, we are not against that. But there are other times that we'd like to take issue.

**Hon. Mr. Bernier:** I will make it a personal crusade to make sure you get copies of my remarks.

**Mr. Ferrier:** Thank you.

**Mr. Chairman:** The member for Thunder Bay.

**Mr. Stokes:** Thank you, Mr. Chairman. Coming from the north, I'm probably a little bit more aware of the programmes under the information services branch. Quite often I hear Mr. Mulholland being interviewed by the media, particularly the low-power relay station serviced by the CBC. Perhaps those programmes are much more relevant to people who are living in northern Ontario because they deal specifically with hunting, fishing, trapping, snowmobiling, safety, ice conditions, snowfall and things of this nature.

I think that is something that people in my riding certainly find most interesting. They feel that they are able to identify much more readily with what this ministry is trying to do and I think it is a very worthwhile programme. I don't know that it is necessary to increase it to the extent that you have this year. But these innovations that Mr. Mulholland speaks of now were very worthwhile.

I don't know if his voice has been to every place in Ontario, but if it has been I think the people in southern Ontario will have a greater appreciation of how the other half lives. I suggest that you would have a greater understanding by the people in southern Ontario if they had a better idea of what was going on in the resources field in the north.

Now, I sat in this very chair during the estimates of the Solicitor General when we were talking about EMO. There were certain funds in there and I think I mentioned snow-

mobiling in the context of emergency measures. There was a member of the committee who let out a big guffaw and said, "What do we want with snowmobiles for the emergency measures organization or for a search and rescue team?"

Well I can hardly understand why somebody living in Metropolitan Toronto wouldn't get the connection but it is the very point that I am trying to make. The kinds of programmes—four or five minute interviews—that do go out over those stations would be money well spent, and if it is not already being done I think you should look into the possibilities of doing it in order to create a better understanding of what is going on.

**Hon. Mr. Bernier:** That is a good suggestion. Thank you.

**Mr. Chairman:** The hon. member for Sudbury East.

**Mr. Martel:** Mr. Chairman, I am not sure of this item. Is it under this that your material with respect to books about the beaver, the moose and so on are being printed?

**Hon. Mr. Bernier:** Yes.

**Mr. Martel:** Has there been, Mr. Minister, more of that? About a year and a half ago I felt that one of the key ingredients to a better conservation programme would be a better quality of material going into the schools to reach children at a much younger age.

I read the booklets on the beaver and on the moose and they are just excellent. It is some of the best material that you can get. You had indicated that you would look into the possibility of expanding it and I am just wondering if that is the intention of the ministry.

It seems to me there is no better way to teach appreciation than to reach people at a young age so that we don't have to resort to punitive measures. Instead we should teach a positive concept to kids at an early age so that they take it upon themselves to go out with a better frame of mind.

I don't know what your children are like—your children are grown now—but with my own we don't drive along and throw anything out of our car any more because in the schools they taught the children that litter has its place. It seems to me that there has to be a greater emphasis in this field particularly, because there is a heck of a lot of carelessness in the woods and with throw-

ing pop bottles into the lakes. People seem to think that once it disappears under the surface of the water that you have gotten rid of the problem. But in fact we know that fish are having problems with the pop cans. We know that there is a host of things. What efforts are being made to speed up that excellent type of information and getting it into the schools?

**Hon. Mr. Bernier:** Well, I certainly have to agree with you that education is a lot easier than legislation. Maybe Grant could elaborate further as to what we are doing in this particular field.

**Mr. Mulholland:** You gentlemen are trying to save money. We are all trying to save money; there is no question about that. We are annually involved in support of, for example, the Canadian Wildlife Federation and to do this we even have to ask the co-operation of the Ministry of Education because we just can't afford the extensive mailings which involve several hundred thousand pieces.

If we had to distribute it ourselves to the schools and to the youngsters, whatever the material, without their co-operation we couldn't do it.

Those are an excellent series of publications, I heartily agree with you, on the moose and the whitetail deer; we are very proud of those. We print primarily on a two-year supply basis, I think, following criticism in many other years when we produced a five-year supply, but we try to keep it short so that we can think of new issues to put out.

We are limited not only on budget but on the method of getting it to the schools. I realize the importance of it, but if we go—

**Mr. Sargent:** How can you be limited in budget when you have half a million dollars more than in the previous year?

**Mr. Mulholland:** Well, not on publications, sir.

**Mr. Sargent:** On the overall.

**Mr. Martel:** It seems to me though that the Ministry of Education then has to become heavily involved, because certainly they have all the schools listed. They are continually sending out information to each and every school. There should be several copies of these booklets for each of the libraries in the schools, where kids can do the research, particularly today when the

emphasis on education is for individualized learning. The books are interesting—

**Mr. Mulholland:** All libraries receive these, by the way. They are completely covered.

**Mr. Martel:** Public libraries?

**Mr. Mulholland:** Public and school libraries.

**Mr. Martel:** Well, my kids are the ones who are supplying them for the school in my municipality, but they are made great use of. They are just excellent publications. I think the series is to be complimented, but I think it's to be expanded too because there is such a wide range to cover. I think we have to move into the field of conservation that will ultimately, I would foresee, be the type of thing that I see the environmental attack over the last three or four years playing on.

You know, the schools are doing an excellent job now in environmental matters. The younger generation certainly isn't as careless as the older generation is, just discarding refuse here, there and everywhere. And it seems to me that that type of publication or an extension of it—a sincere effort to expand it, to move into other fields—would ultimately save the province a heck of a pile of money.

I know that during the Ministry of Transportation and Communications estimates, just before the present minister was promoted, we discussed the cost then to clean up along the highways was something like \$1.5 million. It seems to me that money is better spent in a positive fashion, that if we don't educate against this sort of thing we are going to see an increase in the cost. It's much saner to go the other route. It might mean duplication of spending for a short period of time, but if we don't, in the long haul—it isn't just refuse I am thinking about. I am talking about conservation of game, fish and the whole field.

**Mr. Sargent:** Mr. Chairman, I ask, does this gentleman deal at all through central purchasing? Do you buy through central purchasing?

**Mr. Mulholland:** All our work is put out through central duplicating.

**Mr. Sargent:** No, I mean purchasing.

**Mr. Mulholland:** Oh yes.

**Mr. Sargent:** There is such a thing as central purchasing in force now, is there, in Queen's Park?

An hon. member: Central purchasing?

Mr. Sargent: In this ministry or in the overall picture?

Mr. Mulholland: Throughout the entire government, yes.

Mr. Sargent: Oh, I see. We asked the minister about that last year and he didn't know anything about it. Not this minister, another minister. He may not know anything about it either.

Hon. Mr. Bernier: On volume purchases we use the central purchasing.

Mr. Sargent: So central purchasing then is a basic part of the machine here in Queen's Park?

Hon. Mr. Bernier: Yes, it is.

Mr. Sargent: Everything in this book goes through central purchasing?

Hon. Mr. Bernier: No, not everything, no; only if it's on a volume basis.

Mr. Sargent: On a volume basis, I see.

Hon. Mr. Bernier: Yes. In large quantities.

Mr. Sargent: If you wanted to buy 100 snowmobiles, you'd buy them through central purchasing?

Hon. Mr. Bernier: Through T and C, yes.

Mr. Sargent: What does that mean?

Hon. Mr. Bernier: Transportation and Communications.

An hon. member: They buy all vehicles for the government.

Mr. Chairman: Mr. Newman.

Mr. Sargent: Well, this item of \$45,000 for Bombardier, is that for snowmobiles?

Mr. Maeck: I think he's back in public accounts here again.

Mr. Sargent: I am just asking a question. We are talking about the general policy, Mr. Chairman. If you have central purchasing, would you call that group purchasing?

Hon. Mr. Bernier: That would be through T and C, eh?

Mr. Mulholland: Yes.

Hon. Mr. Bernier: It would be charged to our ministry.

Mr. Sargent: So Bombardier would be snowmobiles, eh?

Hon. Mr. Bernier: Yes.

Mr. Chairman: Mr. Newman.

Mr. Haggerty: Is that a tender deal?

Hon. Mr. Bernier: Tender? Yes, it would be by tender.

Mr. B. Newman: Mr. Chairman, I wanted to make a few comments and question the minister concerning this vote, on information services.

Now, with the new credit system in the high schools, one of the courses that they take is outdoor survival. Does the ministry put out a publication, either by itself or in co-operation with the Ministry of Education, that would be a base for a course of study concerning outdoor survival?

Our youth, more and more today and more so in the future, will be travelling to the far reaches of the province during the school year and they would like to have information on this. I just wondered if the ministry has a book on outdoor survival or is developing one alone or with the Ministry of Education?

Hon. Mr. Bernier: Perhaps Grant would answer that, but before he answers it I would just say, Mr. Newman, that our conservation officers are always available to speak to various groups—to schools, to resource rangers, to Junior Rangers—to give them an outline of survival.

Mr. B. Newman: What you say is true, and is appreciated, Mr. Minister, but I think you've got to go one step further than that and have some type of publication that could be part of a course of study in some of the schools.

I know the phys-ed teachers now are teaching the students in their own communities how to set up a tent, how to take care of all of their own basic needs. They would like to go up to the farther stretches of the province, but there is no way that the phys-ed teacher who is southern-oriented can come along and teach the students the things that the students will need once he goes into your areas of the province.

Mr. Stokes: Northern members are available to tell them how to survive.

Hon. Mr. Bernier: Are we preparing a booklet along those lines?

**Mr. Mulholland:** We have always had two booklets. One is called "Leave Only Your Footsteps," a plea against the littering problem. The other is, "How to Survive in the Bush." They are very low in stock. We're considering rewriting them. They are all a part, essentially, of camping and they are a low-cost item so, hopefully, we can get back into production on those.

**Mr. B. Newman:** Are they available at present at all?

**Mr. Mulholland:** Yes.

**Mr. B. Newman:** They are in supply?

**Mr. Mulholland:** To the best of my knowledge.

**Mr. B. Newman:** Then, would you mind sending me a copy of each of the two?

**Mr. Mulholland:** I'd be glad to.

**Mr. B. Newman:** Then, what is satisfactory I would either Xerox or mail to the schools in my area that have asked for such information.

**Hon. Mr. Bernier:** I will be glad to do that, Mr. Newman.

**Mr. B. Newman:** Thank you, Mr. Minister.

**Mr. Chairman:** Mr. Root.

**Mr. Root:** Yes, Mr. Chairman. This is a very interesting discussion. I'm all for it. I think that most of our people are not aware of what the north has to offer. I'm really sold on the north, but I think this whole matter is one of the best arguments for the reorganization of government where you have vast resources—agriculture, environment, tourism, industry, transportation and all those—and you can develop a whole library of booklets showing what's up there. A lot of people don't realize that you can farm up at Kapuskasing and farther north.

**Hon. Mr. Bernier:** In Dryden, too.

**Mr. Root:** In Dryden, too. I flew over that area just last week.

**Mr. Ferrier:** The land drainers were up there, too.

**Mr. Root:** There are a lot of good farms there. I flew over them last week. There's some beautiful scenery on that new highway around the north shore. There's nothing any better in Europe. But if there were a co-ordinated programme of published informa-

tion with all of these things in it in that resource field, 20 million tourists who come into Ontario plus our own people from southern Ontario — like my family — would like to go north in the summer to see what they have up there.

**Mr. Stokes:** Take a good sniff when you go up past those paper mills.

**Mr. Root:** Okay.

**Hon. Mr. Bernier:** I feel sorry for those people who live in southern Ontario who never get the opportunity to see the great north.

**Mr. Root:** I will say I don't know why that paper mill at Terrace Bay doesn't put its outfall in a pipe instead of running it down the side of the highway. It really gives you a bit of a shock.

**Mr. Haggerty:** You were chairman of the Ontario Water Resources Commission.

**Mr. Maack:** The only thing the farmers need up there is some of those cattle.

**Mr. Root:** And there's some wonderful fish up there.

**Mr. Chairman:** Does this item carry?

Item 5 agreed to.

Item 6, personnel.

**Hon. Mr. Bernier:** Mr. Chairman, may I correct my earlier statement? I said that we had 4,400 employees. The figure is 4,200. I'm sorry, I was out by 200.

**Mr. Sargent:** That's about \$100 per person employed for personnel direction. Isn't that completely unbelievable?

**Hon. Mr. Bernier:** There is a big responsibility here, really.

**Mr. Allan:** Mr. Minister, when you give that figure are you including only your permanent staff?

**Hon. Mr. Bernier:** Just the permanent staff, yes.

**Mr. Allan:** Not the temporary?

**Hon. Mr. Bernier:** Oh no.

**Mr. Allan:** Not the firefighters?

**Hon. Mr. Bernier:** We have 4,277 permanent employees and in the summertime, with the casual staff, we'll go to about 15,000.

**Mr. Chairman:** Mr. Newman.

**Mr. B. Newman:** Mr. Chairman, may I ask the minister if he is setting a quota at all in his ministry and using the disabled or handicapped? There is a great push now to provide employment for those who are handicapped. There are certain jobs in the ministry for those with some type of physical handicap. I think that your ministry should co-operate to the limit in providing such job opportunities. I think that in many instances in some of the parks, the gatekeeper or the person collecting tolls could be someone who is handicapped.

**Hon. Mr. Bernier:** I think with just an examination of our overall employment and the people that work with our ministry you will see that we are very broad on that type of thinking, really we are.

**Mr. B. Newman:** Good.

**Hon. Mr. Bernier:** Yes.

**Mr. B. Newman:** Okay, thanks.

**Mr. Chairman:** Mr. Martel.

**Mr. Martel:** Mr. Chairman, what has bothered me about this ministry is the part-time staff and the real problem that they face if they have remained with the ministry over a 20- or 25-year period for seven or eight months a year. I brought this up last year. They end up after 20 or 25 years with the ministry with nothing; no pension, no benefits.

It seems to me that if industry has had to rationalize its hiring policy to employ people year-round, then surely to God this ministry, after this many years, must now start to rationalize.

We can't expect people to give 25 years of service, maybe eight or nine months a year, to end up without medical coverage or pension benefits.

It seems to me, Mr. Minister, that 25 or 30 years ago industry had to somehow start to rationalize its production to maintain a work force year round, and it seems to me that it is time this ministry did exactly the same thing.

**Hon. Mr. Bernier:** Mr. Chairman, I would like to just comment on that. In the reorganization of the Ministry of Natural Resources that is one thing we took a serious look at. In fact, two of the assistant deputy ministers, Mr. Foster and Mr. Ringham, were given the responsibility of doing that very thing. I want to compliment them because they reduced the number—and it was substantial—down to about 100. So we are

heading in that direction and we are doing exactly what you are suggesting.

**Mr. Stokes:** You mean you just laid them off.

**Hon. Mr. Bernier:** No, we haven't. We worked them into the system on a permanent basis, through attrition, retirements and the complement that we had open. So they are being worked in. Give us another year and we'll have that right down to zero.

**Mr. Martel:** That is just great, because I raised it last year.

**Hon. Mr. Bernier:** Yes, you did.

**Mr. Martel:** And I said it a couple of years, and it has bothered me.

**Hon. Mr. Bernier:** Yes, we are improving.

**Mr. Martel:** Because if we are going to set the example for employment standards we have to take the lead and we can't—

**Hon. Mr. Bernier:** Yes, I give you credit for that, sir, you did a very good job and we responded to it.

**Mr. Martel:** Thank you very much, Mr. Minister.

**Mr. Chairman:** Any further discussion on item 6?

Carried.

Junior Rangers, item 7.

**Mr. Chairman:** Mr. Newman.

**Mr. B. Newman:** Mr. Chairman, may I once again compliment the programme. I think it has been an excellent programme ever since it has been established. The only criticism that I could raise, Mr. Minister, is that the select committee on youth did make recommendation to the government of a widely-expanded Junior Forest Ranger programme. I know myself and others in the House have made comment on this over the years.

We are just wondering if your ministry is considering expanding the programme, especially now that youth are having a more difficult time obtaining summer employment—not only the high school youth, but also the university youth. And if there is some way that the ministry can expand the Junior Forest Ranger programme, or some other programme similar to this, where you could accommodate both males and females. And if you could also have programmes that would be solely for the handicapped and for

those who come from the disadvantaged areas in a community, who don't have an opportunity of getting to the outdoors beyond their own community. You would be doing youth a great service as well as the ministry itself.

**Hon. Mr. Bernier:** I would just comment briefly on that. The Junior Ranger programme is something that we are very, very proud of in the ministry. I might say that last year we expanded it to take in the girls for the first time and it was a resounding success. In fact we are expanding it.

**Mr. Haggerty:** How many girls?

**Hon. Mr. Bernier:** I think we had something like 56 girls in four separate camps—96 girls, I'm sorry. And 144 girls this year.

**Mr. B. Newman:** How many girls will you have this year?

**Hon. Mr. Bernier:** There will be 144. We are expanding it by two extra camps.

I would say to you that we are getting a far greater number of applications from girls than we are from boys. There is a sharp drop-off in the number of boys who are interested in the Junior Ranger programme. This is because of our SWORD programme—Students Working on Resource Development. They get a far greater monetary return. We are paying \$2 to \$2.25 an hour, so a young fellow who is 17 or 18 and is anxious—

**Mr. Haggerty:** What is the age limit for SWORD?

**Hon. Mr. Bernier:** Eighteen; that is the next step out of the Junior Ranger programme. You must be 17 to be in the Junior Ranger programme.

**Mr. Ferrier:** What does the Junior Ranger programme pay?

**Hon. Mr. Bernier:** Five dollars a day, plus room and board, in a camp under guidance. It is a tremendous programme, really it is.

**Mr. Haggerty:** Did SWORD replace the SWEEP from last year?

**Hon. Mr. Bernier:** No, SWEEP is the conservation authorities programme. That is \$2 million.

**Mr. Sargent:** Why don't you step it up?

**Hon. Mr. Bernier:** I would like to. I think this is one thing that we are constantly pushing for because it is such a good programme, really it is.

**Mr. Haggerty:** Is SWORD for both sexes?

**Hon. Mr. Bernier:** Both sexes. They do resource development work. They work in parks, they clean up the portages, cut access points, and clean up the area. It's much the same as the junior ranger programme, except that they live at home. We are not responsible for their board and room.

**Mr. Haggerty:** And how are these jobs advertised so that the students are aware that there are opportunities for them?

**Hon. Mr. Bernier:** Through the youth secretariat and the high schools in that programme.

**Mr. Sargent:** Mr. Chairman, the point I am making here is that the civil service looks after itself. They keep building empires all the way through the whole structure. And through this whole vote you will see every item, Mr. Chairman, is increased by 33½ per cent or 50 per cent right down the line. But when you get down to a thing like this, for people, the minister says he is going to hold the line.

**Hon. Mr. Bernier:** No, I didn't say I was going to hold it.

**Mr. Sargent:** I would like to see you jump it by 50 per cent, because if you worry about finding the money, you never will. The Treasurer (Mr. White) one day in the estimates committee lost \$365 million that he had forgotten about on a slip of paper. That's \$365 million in the budget. So you tell him that, he will give you \$1 million for the kids here. Tell him about that.

**Hon. Mr. Bernier:** But I say to you that we are employing more students today than we have ever employed.

**Mr. Sargent:** Well, God bless. Keep it up. That's important. Those are people.

**Hon. Mr. Bernier:** We employ through our girls' Junior Ranger programme, our boys' Junior Ranger programme, the SWORD programme and the SWEEP programme. So today we are employing a tremendous number of our students, and we get some excellent employees from those.

**Mr. Sargent:** That is one of the good things you do.

**Hon. Mr. Bernier:** Thank you.

**Mr. Wiseman:** How many boys would there be in the Junior Rangers?

**Hon. Mr. Bernier:** About 1,700.

**Mr. B. Newman:** Mr. Chairman, has the ministry set up a programme for the handicapped? One that would take the handicapped out, either through a local conservation authority or on the same basis as the Junior Ranger programme, but for a shorter period of time?

**Hon. Mr. Bernier:** Well, under the Junior Ranger programme it is difficult because many of the students have to go away from home. They are always going up north or some distance away, and they are under the guidance of one or two individuals. To have a handicapped person there would be very difficult because they are away from home. They are on their own within a large group.

**Mr. B. Newman:** How about setting it up locally where there is a provincial park now in the area where they can go, sort of a day camp style?

**Hon. Mr. Bernier:** This is something we could consider, really.

**Mr. B. Newman:** Look into it, Mr. Minister, because I think we have got to look a little closer at the problems of the handicapped and assist in any way we possibly can.

**Mr. Chairman:** Mr. Martel.

**Mr. Martel:** Mr. Chairman, I am not going to be quite as gracious. But, I think it is an excellent programme.

**Hon. Mr. Bernier:** Thank you.

**Mr. Martel:** But there are a couple of things about it that bother me. The rate of \$5 a day and room and board was established a good number of years ago. Also in those days, the \$5 was bigger, but to buy the boots and the transportation, costs were a lot less. And today for a Junior Ranger to buy a good pair of boots we are talking \$30 to \$35. He pays his transportation, as I understand it, under—

**Mr. B. Newman:** Under \$50.

**Mr. Martel:** Yes. He pays his own transportation if it's under \$50. Okay. Now, you just take a pair of boots—a crack at \$30 or \$35. And he pays \$45 for transportation, and maybe a night's accommodation somewhere. Out of his total take for the summer he's—

**Hon. Mr. Bernier:** It's not designed in the way you're referring to it. The SWORD pro-

gramme is designed for that particular type of financial gain.

**Mr. Martel:** No, but just a moment, Mr. Minister. I realize that it's more of a training. But in fact—

**Hon. Mr. Bernier:** An experience in the wilds of northwestern Ontario. Or northern Ontario, rather. I have northwestern Ontario on the brain tonight.

**Mr. Martel:** Right. Take transportation. I have a number of cases because they have opened the Sudbury area all the way to the other side of Thunder Bay. Gee whiz, there's nothing left. I think what you should consider is the fact that \$5 doesn't go as far today as when you instituted it. And the cost of the equipment that they must buy today, such as boots.

**Mr. Allan:** Did you say booze?

**Mr. Chairman:** Boots.

**Mr. Martel:** You know, Kodiak boots which are going to cost at least \$25, maybe \$30. There's nothing left, Mr. Minister. One would at least consider that the minister would pay their transportation. It just seems to me that some of these kids are going 400 or 500 miles and it's taking the better part of \$50, and if they've got an overnight accommodation — In fact for their summer's effort, albeit it's an experience, it would be nice for them to have 300 bucks to go back to school in the fall. But in fact they don't have very much; they have virtually nil.

That's one of the reasons, Mr. Minister, that a lot of boys aren't applying, regardless of the other programmes you offer, SWORD and so on. It's not worth their while for them to, except for the experience, if they can afford it. But many youths want a few bucks to dress or help dress when they go back to school. They can make more picking blueberries than what's left after a summer away from home. It seems to me the ministry has to take a look at the amount. And you have to take a serious look at the transportation costs because there are meals too. I know a little lad who was 23 hours or something on the journey.

**Hon. Mr. Bernier:** Mr. MacBean says we're reviewing those very points that you brought up.

**Mr. Martel:** Yes, that's great. I'd hoped there would be an announcement because we're going to discourage the youth from

even applying for it because they're going to run in the red.

**Mr. B. Newman:** Mr. Chairman?

**Mr. Chairman:** Mr. Newman.

**Mr. B. Newman:** The hon. member speaks very well concerning that. I know because I have had boys who come from one-parent families whose mothers were on a mother's allowance or family benefits, who have refused to accept a Junior Forest Ranger appointment after they had filed an application, primarily because of the reason mentioned. I think the ministry should, in some fashion, subsidize someone on a family benefits allowance so that person would be on the same footing as someone who is financially better off.

**Mr. Stokes:** Because if it wasn't a training programme you'd be violating the minimum wage law.

**Mr. Chairman:** Mr. Ferrier.

**Mr. Ferrier:** Yes. Is that \$5 a day just five days a week or every day they are away from home?

**Hon. Mr. Bernier:** Six days a week.

**Mr. Ferrier:** Six days a week. I would like to reinforce the statements that have been made. I think that after a number of years that you should re-assess that daily rate. A rate that was set at \$5—

**Mr. Martel:** When was it set?

**Hon. Mr. Bernier:** Oh, several years ago. But I would say to you—

**Mr. Ferrier:** Inflation is not just a catch-all, it's a fact. A lot of students if they're from one-parent families or from a large family like to help themselves a little bit. If a lot of it's eaten up with just equipment and transportation and this type of thing, they're not able to help themselves very much.

If we leave it at the \$5 for too long, you're just going to have middle class families and well-to-do families able to send their children. That's fine, but I think that perhaps others deserve just as much an opportunity. I really would like to see you this year look at that programme very carefully and see if you can provide a little extra money for those students in that programme. And when we come back next year, at least say that it's going to be more than what it was set at several years ago.

**Hon. Mr. Bernier:** Your point is well taken.

**Mr. Chairman:** Mr. Root.

**Mr. Root:** Do I understand that you pay the transportation if it's beyond \$50?

**Hon. Mr. Bernier:** Yes.

**Mr. Root:** And they get their board and lodging while they are there, plus \$5 a day?

**Hon. Mr. Bernier:** As to that total cost, members will be interested to know the figure we have come up with is about \$990 for the season for each Junior Ranger, when you consider all aspects of it.

**Mr. Haggerty:** That takes into consideration the meals, etc?

**Hon. Mr. Bernier:** Yes, the whole package for Junior Rangers. It is a pretty healthy programme costwise, really it is.

**Mr. Root:** In all the time, sir, I have only had one person who had any question about how much was paid. They thought they should be paid the minimum wage or something like that.

**Hon. Mr. Bernier:** We have no trouble filling the vacancies, I can tell you.

**Mr. Ferrier:** Well, though \$5 was good five years ago, you have got to try to update it in today's figures. When you look at every one of our salaries here, they have gone up commensurate with the inflationary factor, and we expect it to. Surely this kind of thinking has got to go down the line. We all commend the programme. It is a good programme and it is the kind of thing that we like to see expanded. But to make it a little fair, I think that, as you said, you have got to take a look at it and update it to make the per diem relate to today's figures and costs.

**Hon. Mr. Bernier:** The point is well taken.

Item 7 carried.

**Mr. Chairman:** Item 8, northern affairs, Mr. Stokes.

**Mr. Stokes:** On northern affairs, I am one who feels that the northern affairs officers, certainly the ones that I have any dealings with, are doing yeoman service and are worthy of our support and the extra amount of dollars that you have asked, however modest it is. What does worry me, when I talk to some of them, is that they feel that

they don't have a sense of direction. I say to them, "I don't know why you should feel that. Basically, you are an information disseminating organization with a function of co-ordinating and making people aware of the various programmes that are available to the public." For some reason or another, they feel that this isn't enough and that they should be doing something more.

I don't know what more it is they feel that they should be doing. I am just wondering if they are starting to spread their wings a little bit and want to take on a little bit more, or perhaps the job isn't meaningful enough for them. I don't know; I am just thinking out loud. Maybe they feel that the job isn't meaningful enough for them, that they are just a sort of a telephone answering service, directing inquiries from A to B and that sort of thing.

They do come down here from time to time and northern members do get asked over to break bread with them on occasion. I am wondering what it is. Maybe Ralph Scott could answer my question for me. What is it that Ralph Scott as the director sees for this battery of people scattered throughout the north?

I think that they do perform a service on behalf of all people, regardless of the nature of the inquiry, whether it is federal or as in many cases municipal. I think they are doing a fine job as they are now but, as I said, I sense that a good many of the people feel that they aren't being challenged enough. I am just a little bit worried, when people go out and try to look for more jobs to do, that they aren't encroaching on other jobs that are within the purview of somebody who is getting darned well paid to do that job. I am wondering does Ralph Scott see this sort of sense of frustration. Maybe that is too strong a word, but perhaps some of your people feel that they don't have a sense of direction.

**Hon. Mr. Bernier:** I will ask Mr. Scott to comment further. But I think that you are hitting on a point, because I think it is fair to say that the northern affairs officers sometimes cross ministry lines in getting information. Sometimes they get in the hair of other civil servants in other ministries in getting that information. They perhaps become sensitive to their position. I think many of them now have grasped their job so well, they have a tremendous knowledge of all the government programmes and services, that they are able to disseminate it very quickly and they have extra time on their hands now.

**Mr. Stokes:** And they are looking for new worlds to conquer.

**Hon. Mr. Bernier:** That is exactly right. They are doing a tremendous job, as you say. Maybe Ralph had some other comment to add to that.

**Mr. R. V. Scott** (Director, Northern Affairs Branch): I think this appears more in Mr. Stokes's area than anywhere else. Mr. Stokes has two offices, and they are both new men within the last year; and this requires—

**Mr. Stokes:** Well, just to keep the record straight, I am not referring to either of those two men. I say this in all honesty.

**Mr. Scott:** All right.

**Mr. Sargent:** What do you mean Mr. Stokes has two offices? I don't get that.

**Mr. Stokes:** Two northern affairs offices.

**Mr. Sargent:** You have?

**Mr. Scott:** No, in his riding.

**Mr. Stokes:** No, the minister has—in my riding.

**Mr. Scott:** There are two of them located in his riding.

**Hon. Mr. Bernier:** See how we look after him?

**Mr. Sargent:** Well, I was asking Jimmy if these people are ombudsmen or what?

**Mr. Stokes:** They are northern affairs officers.

**Mr. Sargent:** Are they ombudsmen?

**Mr. Stokes:** Well, they are disseminating information and passing along inquiries to various ministries.

**Hon. Mr. Bernier:** For the public.

**Mr. Sargent:** What are you going to do when you are the Minister of Natural Resources?

**Mr. Stokes:** Well, I didn't know what Ralph was going to say, and I thought he might have said, "Maybe the area in which your two northern affairs officers work is so well serviced that they feel they don't have enough to do."

**Mr. Scott:** No, I wasn't going to say that at all, Mr. Stokes.

**Mr. Martel:** Will you take away the one in Nickel Belt?

**Mr. Scott:** What I was going to say is that it is a very peculiar organization, unlike many organizations in government, and these officers have a great deal more freedom of operation than most civil servants. The reins under which they operate are very loose; it's called the loose reins method of management, and it's the only method that will work in this type of an operation—

**Mr. Stokes:** I don't disagree.

**Mr. Scott:** —where you are doing what the government is saying, you are saying decentralize, but it happens at the grass roots. These boys are able to do most things without reference to anyone. For a person coming into my operation from a more stereotyped ministry, it takes a while for them to become accustomed to this. I know one of your two officers is having a little trouble along this line. But you say it is not your people—

**Mr. Stokes:** It hasn't been my impression; I think they are doing a wonderful job. I am talking about the overall operation. And I get your reports—saying things like, "Joe spent considerable time this month contacting employers" and so on.

**Mr. Scott:** We did a labour study of employees for the employment standards in the early part of the year; that is what—

**Mr. Stokes:** Yes, and then there's this: "Jim advised that the office assisted in driving delegates to the Man and Resources conference." Well, this is fine, and I don't object to it at all. All I am saying is that I sense that your people feel in many instances that they are not challenged enough.

**Mr. Scott:** Well, I find that they say they haven't got enough hours in the day to meet their challenges. We don't work office hours; and if a lad comes in at 9:30 in the morning, I am not going to complain because he has probably been out until 1 o'clock in the morning doing something with a community project. These boys don't fit into the category of people who work 8:15 a.m. to 4:30 p.m. They are into everything, as you know. They are organizing the winter carnival or whatever it is in the town where they are located; they are working 16 or 18 hours on some days, and they are not complaining.

I just don't quite understand this lack of challenge, Mr. Stokes, because when they talk to me they are certainly full of it.

**Mr. Haggerty:** How many calls or inquiries would be made to your offices? You have 50

offices in northern Ontario, right? Would there be some thousand calls per year?

**Mr. Scott:** We don't maintain a record of the number of calls we make or receive. It varies considerably from area to area, and it depends on the location in the town. We are supposed to be a storefront type of operation; in the odd place we are not, and this cuts down our viability. We like to be on the main street, where we can be seen.

In the smaller places most of it is done by people coming in to see us. In a place like Sudbury and North Bay, a lot of it is done by telephone. Also, these people are out a lot. They have satellite offices. We have 23 basic area offices and 50 satellites. So these satellites are manned by people—the minister is trying to cut me off here—

**Hon. Mr. Bernier:** No, no, I am just winking at Pat.

**Mr. Scott:** I thought I was talking too long. Good, I will go on.

**Hon. Mr. Bernier:** Just doing a little flirting.

**Mr. Scott:** We have 23 basic offices. I am talking about the people I work with in my branch.

**Mr. Sargent:** Where are you playing next week?

**Mr. Stokes:** You didn't think for a minute, Ralph, he was winking at you?

**Mr. Chairman:** Order, please.

**Mr. Scott:** All right. The northern affairs branch has 23 basic offices in northern Ontario, staffed by northern affairs people. We can't put offices in all the small communities.

**Mr. Sargent:** That's too bad.

**Mr. Scott:** Wherever we can we establish what we call a satellite which is manned by an employee of another agency.

**Mr. Sargent:** It is hard to believe. You have people organizing snow carnivals and things like that? We are paying for that?

**Mr. Stokes:** That was a poor example. You shouldn't have said that.

**Mr. Sargent:** And they don't have office hours. They come in when they have been out the night before with the boys?

**Mr. Scott:** They have office hours.

Interjections by hon. members.

**Mr. Chairman:** Order, please.

**Mr. Scott:** These boys are out a good part of the time servicing locations other than their offices. You can't just measure it on the basis of telephone calls and that sort of thing.

**Mr. Sargent:** This guy is a comedian.

**Mr. Chairman:** Mr. Haggerty.

**Mr. Haggerty:** In your opening statement you said you are going to increase the offices; was it 17 more offices?

**Hon. Mr. Bernier:** No.

**Mr. Haggerty:** I thought I heard you say that.

**Hon. Mr. Bernier:** We are well serviced now. That's the district officers for the ministry not northern affairs officers.

**Mr. Haggerty:** Then you are going to increase your district officers by 17; will there be a reduction in the number of northern affairs officers?

**Hon. Mr. Bernier:** No, they perform a separate service; an information service.

**Mr. Haggerty:** Just an inquiry, information?

**Hon. Mr. Bernier:** Yes, the dissemination of information on all government services and programmes.

**Mr. Haggerty:** In other words what you are telling me is the members for northern Ontario are not doing their jobs?

**Hon. Mr. Bernier:** They are spending a lot of their time down here looking after the affairs of their constituencies and watchdogging the government.

**Mr. Haggerty:** I see. In other words you are telling me they are their right hand men?

**Mr. Martel:** I want to tell you something. They took the man out of my riding. We don't have one in Sudbury East; they moved his office out.

**Mr. Haggerty:** Pardon?

**Mr. Martel:** They moved out the one in Sudbury East. He was only getting 30 calls a month in total.

**Mr. Chairman:** Mr. Ferrier?

**Mr. Ferrier:** I wonder if I could ask a question first of all? In places where there is a one-man operation, such as Cochrane or

New Liskeard or Kirkland Lake, does the northern affairs officer have a secretary who is there all the time to answer the phone and this type of thing?

**Hon. Mr. Bernier:** Yes.

**Mr. Ferrier:** I know some of these men go to the various communities in their area for one day a week. Another thing is our life seems to get more complicated. The taxing people want to make more tax credits and more elaborate income tax returns and they have made things so complicated that the people have to have someone to give them a hand with their returns. I know in my riding the northern affairs officers did a very good job helping senior citizens and people on social assistance and others make out their returns. It was a very worthwhile job and they spent a lot of hours doing it.

**Mr. Laughren:** It's sad it is necessary though.

**Mr. Ferrier:** It is sad it is necessary, and our society is becoming more and more complex and complicated.

**Hon. Mr. Bernier:** It is the same in Manitoba.

**Mr. Ferrier:** I would suspect we haven't seen anything yet; it is going to get worse rather than better. I notice as Ralph Scott sends out the reports each month—and I have watched this rather carefully—that he sends his Cochrane man up to Moosonee on some kind of a regular basis. I notice the amount of contacts and calls he makes up there is pretty heavy, sometimes 300 a month or so.

I was told last year you were getting your people in your office in Moosonee, in your district office—that you had taken the man out of there and your district office was looking after that. But in fact you send the Cochrane man up there on a regular basis and he has as many calls in Moosonee as he has in most other posts. I don't know whether you feel he is servicing that area adequately. I would think the man has a pretty heavy schedule with the amount of work he does. Is your regular staff in Moosonee looking after some of the problems and referring them to him or is he mainly doing the work when he goes up there?

**Hon. Mr. Bernier:** No, we've increased our staff in Moosonee. They do a lot of the work, but there is still room for the northern affairs officer to move in there on a weekly basis, to do things that they normally don't do within

their own jurisdiction. And this is what he does.

**Mr. Ferrier:** I notice that he is also coming down to Iroquois Falls on a regular basis and looking after some problems there.

Your budget is increased by about \$93,000 over the last year. Are there any new offices being opened or is this just the regular increase in salaries and paper and all this kind of thing?

**Hon. Mr. Bernier:** No, there are no extra funds here for any new office. As you say, salaries, supplies, employee benefits, staff training, and vehicle servicing and replacement, take up the \$93,000.

**Mr. Chairman:** Mr. Martel.

**Mr. Martel:** Mr. Chairman, I would like to ask the minister about the statistics compiled by Mr. Scott and his staff, which indicate glaring problems in certain sections of the delivery system of the government of Ontario, whether it be in your own ministry or otherwise. I'm thinking particularly of the Ministry of Community and Social Services, which indicates between 400 and 600 inquiries a month. Do you ever take the Minister of Community and Social Services aside and ask him if there is something wrong with his delivery system?

We are getting 600 inquiries a month on Community and Social Services problems, and it's obvious that the members are getting many calls. My staff is getting many calls. It would indicate that there is a tremendous lack of expertise in your bailiwick, otherwise we wouldn't have so many people having to contact provincial members or members of my staff in order to get their problems resolved.

It seems to me that if there is going to be some benefit from Al Lawrence's great dream, that this could be and should be one of the areas. Because if one looks at the statistics carefully, and they are pretty well tabulated, we see gaping loopholes in certain elements of the delivery system.

For example, you find a lot of inquiries about labour problems, which would indicate to me that out in the field, those staff people within that particular ministry demonstrate a failure of delivery. Otherwise, why should so many people have to go to Ralph Scott's people or why should they have to come directly to us in order to get the service? It seems to me the civil service is falling down somewhere.

**Hon. Mr. Bernier:** Well, I would say to you

that many of the contacts made to the northern affairs officer are for information. I think that is their prime purpose. And, of course, assistance in learning about the various programmes. So they are disseminating a lot of information, and many of the numbers don't relate directly to poor delivery in a specific service. I think you are taking that particular point out of context. Unemployment insurance, which we do for the federal government, or the Canada Pension Plan, are all things we do that are services. But if there is a specific problem that keeps cropping up all the time, then we do flag it, and we monitor the inquiries to let the department or the minister know.

**Mr. Martel:** Yes, because it seems to me that one of the values of the programme, is to ensure that we are not falling down somewhere. I give you an example. We have a superb fellow in Sudbury. Richard Ross is just excellent. I want to tell you he is overworked, and he is overworked because of the incompetence of the man from Consumer and Commercial Relations, Mr. McAuley.

**Mr. Scott:** He is leaving.

**Mr. Martel:** He is leaving? Thank God. He has been a millstone around Richard Ross's neck. The guy is supposed to be for consumer protection but in fact, invariably, they all wind up on Richard Ross's doorstep. He is trying—either with me or with my colleagues—to resolve problems for people and it seems to me to be unfair to have one ministry with a man who has a specific job in fact doing a job for someone else in some other ministry. But he has been doing it.

You know, he does an excellent job. He is co-operative and very, very helpful if anyone phones, be it the members or the people of the community. But there are types of jobs that he shouldn't have to be doing because, in fact, there is a man there to do them. It seems to me that they have to zap the individual who is not doing his job.

**Mr. Sargent:** It seems to me you northern members have a pretty soft touch then.

**Mr. Martel:** Might I just add a comment, Mr. Minister? I am wondering if the member from Owen Sound—

**Mr. Sargent:** With regard to geography, you have a pretty soft touch, because I handle 600 cases a month in my office which I pay for.

**Mr. Martel:** Mr. Chairman, with the greatest of respect, my friend doesn't have one

unorganized community in his riding, I would suspect.

**Mr. Sargent:** I respect the geography, Elie, but you don't—

**Mr. Martel:** I was talking about unorganized communities where, in fact, you become the father confessor for the community whether it be municipal problems, health problems, the whole bag. If you have one unorganized community, you are the government for that area and you get every type of problem.

**Mr. Chairman:** Mr. Gilbertson.

**Mr. B. Gilbertson (Algoma):** Mr. Minister, what was the purpose in establishing these northern affairs offices?

**Hon. Mr. Bernier:** Well, I think it's fair to say that many of the northerners had a feeling of frustration that it was difficult for them to go to the Ministry of Natural Resources and obtain information on, say, the labour standards branch. Obviously, every ministry of the government could not have an office in every centre in northern Ontario and the northern affairs offices were set up to bridge that gap.

The labour standards branch, the consumer protection bureau—these are from small ministries, they don't have the personnel. One man with a Telex directly connected with all the other offices and all other branches of the Ministry of Natural Resources and Queen's Park could provide the public with the information that a person was interested in knowing more about.

**Mr. Martel:** That was the white knight's programme to power and he just about pulled it off.

**Mr. Chairman:** The member for Nickel Belt.

**Mr. Gilbertson:** I still have another question.

**Mr. Chairman:** Another question for Mr. Gilbertson.

**Mr. Gilbertson:** In my particular riding, I have a northern affairs office in Wawa and another one in Blind River. Those offices are about 300 miles apart. Now, I'm the member and I'm located in the middle; halfway between.

**Mr. Martel:** You are caught.

**Mr. Gilbertson:** Now, when these reports come out, I check them over to see how many

inquires the offices get and it's in the range of 350 inquiries each month.

**Mr. Martel:** You are not doing your job.

**Mr. Chairman:** Order, please.

**Mr. Gilbertson:** Do they serve as a sort of an ombudsman, in a sense?

**Hon. Mr. Bernier:** No, their responsibilities are not that of an ombudsman. Let's make that very, very clear. They are there to disseminate information on all government programmes, not to act as a buffer, not to be a lobbyist for any individual but to assist him in his specific request. That's it. That's all. We want to make sure that they are not acting as ombudsmen. That is the local member's responsibility. As Premier Roberts used to say, we have 117 ombudsmen in this province, some around this table here.

**Mr. Chairman:** The member for Nickel Belt.

**Mr. Laughren:** I just want to comment, Mr. Chairman, that the northern affairs officers, while they may be very busy, really don't get people out of trouble. They don't take on any existing ministry. That is why we end up with half our time at the compensation board, for example. They just won't do it. That is what the problem is.

**Mr. Chairman:** Carried?

**Mr. Ferrier:** Before you carry that vote. Apparently these officers have met with a good deal of success. Now, there are other areas of the province—I am thinking of areas in the eastern part of the province—where there is a degree of isolation. I don't know whether my friend from Renfrew South (Mr. Yakabuski) who is over there encounters them, but I know in areas of Renfrew North and Parry Sound as an example—

**Mr. Martel:** Lorne Henderson doesn't want them.

**Mr. Ferrier:** Now, are you thinking of expanding into some of these areas of isolation to see if they need some assistance with this kind of thing?

**Mr. Gilbertson:** Keep it as northern affairs.

**Hon. Mr. Bernier:** This is a northern affairs branch and it is designed to operate north of the French River, and, of course, any expansion would be a matter of government policy.

**Mr. Sargent:** There is a parallel. Could we not use your offices in other areas?

**Mr. Ferrier:** You shouldn't keep a good thing just in the north, you should spread it around a bit.

**Hon. Mr. Bernier:** Distances are a factor in southern Ontario, but not as great as in northern Ontario. Government offices are available to many more than they are up north.

**Mr. Laughren:** Nor are there as many government members up there.

**Mr. Chairman:** Item 8 carried?

Carried.

Item 9, youth corps. **Mr. Ferrier.**

**Mr. Ferrier:** I understand from what the minister said earlier that this SWORD programme is for students of 18 and over and that you pay them \$2.25 an hour. I was wondering, just as a parochial concern—I know you shouldn't be parochially concerned in these estimates where you discuss the spending of the whole of the Province of Ontario's Ministry of Natural Resources, but is there any project going to be held in my riding this year?

**Hon. Mr. Bernier:** In your particular area I just have the number by regions. We have about 125 who will be employed in the northeastern region.

**Mr. Ferrier:** Is that in the north area there, 125?

**Mr. Chairman:** Mr. Haggerty.

**Mr. Haggerty:** Yes, Mr. Chairman, a question. In the youth corps there are grants to conservation authorities. Why is that put in that? There is a \$2 million transfer of payment. What's that for?

**Hon. Mr. Bernier:** Oh, yes. That is the \$2 million I alluded to in my earlier remarks where we transferred \$2 million to the conservation authorities. It is 100 per cent paid for by the ministry and they administer it.

**Mr. Haggerty:** Administer what?

**Hon. Mr. Bernier:** The same as the SWORD programme on the conservation authorities—SWEEP rather.

**Mr. Haggerty:** SWEEP—I thought that was under the Ministry of the Environment.

**Hon. Mr. Bernier:** No, it is the conservation authorities. So they in turn hire X number of students for doing resource development work, similar to the SWORD programme, park work, cleaning up.

**Mr. Good:** Taken out of your grant for them.

**Hon. Mr. Bernier:** Yes, we just give them the \$2 million.

**Mr. Haggerty:** It is passed on to them.

**Hon. Mr. Bernier:** Yes, it is just passed on to them. A straight transfer.

**Mr. Chairman:** Mr. Newman.

**Mr. B. Newman:** I wanted to ask of the minister if Peche Island—I'm sorry.

**Mr. Haggerty:** Your report Natural Resources, Ontario, 1973. You indicate there the SWEEP project is managed by the Ministry of the Environment.

**Hon. Mr. Bernier:** Mr. MacBean tells me there was a small programme administered. They had SWEEP too, apparently.

**Mr. Maack:** Just depends on how many brooms you have.

**Mr. Chairman:** Mr. Newman.

**Mr. B. Newman:** Thank you, Mr. Chairman. I wanted to ask of the minister if Peche Island is going to be hiring, if the conservation authority is going to be doing anything as far as Peche Island is concerned and also as far as the Holiday Beach is concerned, in the SWORD programme.

**Hon. Mr. Bernier:** Yes, it would be similar to what we had last year.

**Mr. B. Newman:** The same programme as we had last year?

**Hon. Mr. Bernier:** Yes.

**Mr. Chairman:** Mr. Wiseman.

**Mr. Wiseman:** Can I just ask you how many people there are and what the students do under the SWORD programme? Is cleaning up river beds part of it?

**Hon. Mr. Bernier:** It is environmental cleaning; provincial park operations; maintenance of grounds; timber improvement by cleaning and pruning the forests; development of snowmobile and hiking trails, new routes; environmental protection; forest fire hazard reduction; fish and wildlife management through inventory of fish and game populations; game and fish habitat improvement; collection of data for the implementation of management procedures and related activities.

**Mr. Martel:** What about cutting dead elm trees?

**Mr. Haggerty:** How many are involved in this?

**Hon. Mr. Bernier:** We'll have about 1,200.

**Mr. Haggerty:** How much do you pay them for this?

**Hon. Mr. Bernier:** We have the rate here. The manual labour is \$2 an hour; the clerical, \$2.50; and professional technical, \$3. The foreman for a labour crew would get \$3, a technical crew foreman would get \$3.35 and a senior co-ordinator would get \$3.35.

**Mr. Wiseman:** Are grants to conservation authorities a special grant paid for a dam or something like that?

**Hon. Mr. Bernier:** No, that's SWEEP. We actually transfer \$2 million to the conservation authorities work similar to which I outlined a moment ago on the conservation authorities areas.

**Mr. Martel:** Who dreams up all these crazy names?

**Mr. Wiseman:** So the SWORD programme is pretty much the same as SWEEP?

**Hon. Mr. Bernier:** Yes. One is in the conservation authority movement and the other is in the Ministry of Natural Resources.

**Mr. Wiseman:** Both are basically the same thing?

**Hon. Mr. Bernier:** Both are basically the same. We separate them by calling them different names. What does SWEEP mean anyway? Does anybody know?

**Mr. Good:** Students Working in an Environmental Enhancement Programme.

**Mr. Chairman:** Mr. Root.

**Mr. Root:** I was just going to say I think the ministry is doing a great job and I was going to move that vote 2201 be carried.

**Mr. Stokes:** Hold it.

**Mr. Root:** I didn't know you wanted to speak.

**Mr. Chairman:** Mr. Stokes and then Mr. Sargent.

**Mr. Stokes:** I didn't want to bring it up under the Junior Ranger programme, I wanted to bring it up under here but it is related to

both of them. I want to know what success you have had in recruiting young native people for both of these programmes.

It seems to me that for a number of years now your ministry has been the only ministry that is even remotely concerned or interested in the unique and particular problems related to native people, particularly young Indian people who, if one day they are going to make it in the transition from a reserve environment to an urban setting, quite often will find the cultural shock and the sort of abyss that they are faced with in the rapid change in the environment much too great for them. They end up as a drop-out statistic in elementary school and wind up back on the reserve, only to become a welfare statistic.

I am wondering to what extent are you looking for ways of assisting other ministries and agencies within this government through these vehicles, the Junior Ranger programme and the youth corps, to get them involved. There are so many programmes. I could sit here all night dreaming up programmes that they could be productively engaged in. I am sure you could do the same thing. Just to give you an example, there is the rehabilitation of areas like Lake St. Joe, Lac Seul, and Lake Nipigon. There are so many things that we can do to make them productive and doing something worthwhile, while at the same time getting them out so they learn to work with other people, so that when they do make the change, either into the world of work or to further their education, they are in a much better position to cope with it.

You promised me two years ago, I believe it was, that you would set up a Junior Ranger programme for young Indian boys. I don't think that is the total answer if you are going to hive them off all by themselves. I am talking about an integrated programme in which they will have an opportunity to exchange ideas, exchange cultures, living habits and everything else in much the same way that we are trying to foster with this student exchange. These two vehicles seem to me to be ideally suited for that kind of thing. I am not talking strictly of an economic problem; I am talking of a social problem. I think if there is any ministry which is going to assist in a meaningful way to cure that social problem, to cushion the shock that comes all of a sudden—you know as well as I do that if you send 22 youngsters down from Sandy Lake to Elliot Lake, as did happen, within a matter of weeks or months they are all back at Sandy Lake and the experience has failed. If you get them young enough

so they can communicate with youth their own age in a setting like that, I think there is no greater contribution you could make to young native persons, both male and female. I see no evidence that there has been any success toward that end but I think it is something you should take a real hard look at.

As I say, in many areas, because of the presence of your resources development officers on a regular basis in the north, I think they trust you. I think they have confidence in you. The minister himself goes into many areas of the north, including my own riding, where he does have a rapport with these people. I think yours is the one ministry which might assist the social development field because they get people who really don't know what the situation is way up there. They are dreaming up these programmes in isolation, in the ivory tower down here, transporting them up there and wondering why they don't work. We know why they don't work. These are two vehicles which could assist the social problem and at the same time provide some economic benefit to them.

**Hon. Mr. Bernier:** I will ask Mr. Ringham to comment on that but I will say briefly that we did have a junior ranger programme in the Shebandowan area. We had all Indian youths there and it worked out very well. Last year we tried a number of smaller projects. One was the construction of a major dock facility at Deer Lake. The dock had been washed away from the shore and was in a very dilapidated condition and we gave the local Indian youth the contract to rebuild that dock. I think it was \$1,500 or \$1,800 or \$2,000 on a contract basis and it worked out tremendously, really. They sawed the logs and built them and looked after all the supplying of the hardware. To see the dock there today I think, is something we can be proud of. Maybe Lew would want to elaborate further on that.

**Mr. L. Ringham** (Assistant Deputy Minister, Northern Ontario): Mr. Minister, all I could say is we started an Indian Junior Ranger camp about five years ago at Shebandowan Lake. The crew at this camp were mainly recruited from young lads who were out at high school in Thunder Bay. It worked very well the first year. The second year it was set up in co-operation with the school board and local Indian Affairs branch. In the second year the parents complained that the boys were no sooner out of school and back home at the time break-up occurred when they were taken right back out. They objected to the boys being taken out.

We have found they seem to be happier as a group. We have attempted to work them in as individuals in various camps, to spread them out, but they seem to be happier in a group. We are looking at a programme to establish a camp maybe closer to home; maybe around Big Trout Lake and one at Sandy or one out at Wemyss but it is not the easiest thing. Last year we didn't have too many apply because the federal government had almost the same programme, sort of a local LIP programme for teenagers, for the native people.

**Mr. Stokes:** I am happy to hear they were successful in building a dock at Deer Lake. Have you seen the one that either your ministry or the Ministry of Government services built at Big Trout?

**Hon. Mr. Bernier:** It is not finished yet.

**Mr. Stokes:** It is not finished yet and every pilot swears every time they see it. I wonder who designed this. Maybe you should contract it out to the youth in Big Trout Lake and say "Go ahead; do the job properly."

**Hon. Mr. Bernier:** It was an experiment we did at Deer Lake, and I can say that I was very pleased with the results. I think we should do more of it.

**Mr. Chairman:** Mr. Sargent.

**Mr. Sargent:** Mr. Chairman, before you put this vote, I made a remark about Mr. Scott in the northern affairs. I apologize for that, and I take it back if it is on the record. I think that any man dealing with the public as much as he deserves a medal, and I thank him for the job he is doing.

But previously the minister agreed to furnish me with the facts about the \$502,000 paid to Abitibi paper company. You allowed that, Mr. Chairman, at the first. Further to that, Mr. Minister, I would like details about the payment of \$490,000 to Simcoe Timber Lands Ltd. and about the payment of \$204,000 Transcontinental Timber Co. Ltd.—possibly that was regeneration too. I would like to get the story on those three figures.

Also I would like to find out here about the payment of \$474,000 to National Heritage Ltd. and about the payment of \$105,000 to Project Planning Associates Ltd. When you are finalizing this, my concern is about the fact that we have \$8 million in accounts under \$10,000 that are not listed here.

**Hon. Mr. Bernier:** You are dealing with the public accounts, are you?

**Mr. Sargent:** Well, I think you allowed me that one thing. That is all I wanted to say. That is on the record. I would like to have that information. Thank you.

**Mr. Wiseman:** Mr. Minister, regarding the conservation authorities, you mentioned that you had about 1,200 people employed there. How many conservation authorities do you have and how do you allot the money to them?

**Hon. Mr. Bernier:** There are 38 authorities.

**Mr. Wiseman:** Thirty-eight?

**Hon. Mr. Bernier:** Yes. The grants are allotted—

**Mr. Wiseman:** Is the grant money divided up equally among the 38?

**Hon. Mr. Bernier:** No, the \$2 million is not split up in 38 chunks.

**Mr. Allan:** Isn't there a vote on that?

**Mr. Haggerty:** No, not on this. This comes under—

**Mr. Wiseman:** No, but I just wondered about the grants to conservation authorities.

**Hon. Mr. Bernier:** It is done on a formula basis. I think it is related to their expenditures. What we give them is pro-rated, so that as they get their capital construction and their administration grants, it is a matter of using a formula to establish what they get out of the \$2 million so that they all get the same right through.

**Mr. Sargent:** Shall we let the minister's salary go through, Ray?

**Mr. Chairman:** Does vote 2201 carry?

Vote 2201 agreed to.

**Hon. Mr. Bernier:** Thank you, fellows. Thank you. Lorne, you get your money, too.

On vote 2202:

**Mr. Chairman:** On vote 2202, item 1, programme administration, perhaps someone wants to comment on that.

**Mr. Haggerty:** Yes, I would like to.

**Mr. Chairman:** Mr. Haggerty.

**Mr. Stokes:** You have something on that?

**Mr. Haggerty:** Yes, if I can find it. I had it marked, but I didn't think we were going

to get into this. Just what is your programme on the development of Crown lands, Mr. Minister?

**Hon. Mr. Bernier:** Development? I wonder if you could just broaden that inquiry a little bit so we can get to the—

**Mr. Stokes:** He is fumbling.

**Hon. Mr. Bernier:** It is not me who is fumbling. It is Mr. Haggerty who is fumbling. I can give him the answer if he will give me the question.

**Mr. Haggerty:** The annual report of the ministry says you have the management of over 2,000 active Crown land files and several incoming documents that necessitate the recording of over 140 entries on the cross-reference indexes.

**Mr. Stokes:** That's a question.

**Mr. Haggerty:** Yes. I want to know a little bit more about his programme. What kind of a programme has he?

**Hon. Mr. Bernier:** Well, we manage about nine-tenths of the land mass of the Province of Ontario. That is very general.

**Mr. Good:** Crown land?

**Mr. Stokes:** Ninety per cent.

**Hon. Mr. Bernier:** A big backyard.

**Mr. Haggerty:** In the financial report for 1973 of the Province of Ontario, it says about Natural Resources, land management policy:

Retention and disposal of Crown lands through the development and implementation of land-use plans, conducting and restoration of Crown surveys, land acquisition for public use, management of water resources and water regulations.

What is the restoration of Crown surveys?

**Hon. Mr. Bernier:** Maybe I could ask our assistant deputy minister, Mr. Walter Giles, to comment on that. It is kind of a technical question.

**Mr. J. W. Giles** (Assistant Deputy Minister, Lands and Waters): Mr. Chairman, this is a programme designed to rehabilitate survey markers in the field that have fallen into disrepair over the years and to re-establish lines that have become difficult to identify. It is a restoration type of thing.

**Mr. Haggerty:** And how often do you go and make these surveys?

**Mr. Giles:** There would be a long gap frequently between the re-establishment of a survey that has been run sometime ago and the time they were originally run. Some of them perhaps haven't been restored since they were originally run back in the late 1800s.

**Mr. Haggerty:** I came across one not too long ago. In fact, I was going to call your department at Fonthill to go and take a picture of it. This is the benchmark on Lake Erie at the town line between the city of Port Colbourne and the town of Corby, which would be Bertie township and Humberstone township. It was very interesting. The youngsters were up on top of this sand hill. They had built a little hut up there and apparently they had been digging around and discovered this landmark or benchmark there. It was an old survey post put back there in the 1800s, I believe it was. I have often been interested in the land survey along that lakeshore, and here was an old land mark. Apparently, there must be other ones that were planted years ago by an original survey. My main concern is about the latest surveys. One particular one was taken in 1927 in that area. This is the one that has the cement post with the bronze markings on it reading, "Ontario land survey". I notice in different instances these have been removed along the lakeshore.

**Mr. Giles:** These would be corner posts for townships or concession lines at the shore?

**Mr. Haggerty:** At the shore.

**Mr. Giles:** You are aware of them having been there and then they have been removed?

**Mr. Haggerty:** They have been removed.

**Mr. Giles:** Well, of course, this is an offence. But I suppose one would have to find the thief.

**Mr. Haggerty:** You would have to catch him at it, wouldn't you?

**Mr. Giles:** Yes.

**Mr. Haggerty:** And do you make a spot check every now and then to see that these benchmarks remain in the proper location?

**Mr. Giles:** I would doubt that we have a specific programme to go out and check on this sort of thing. But I would believe that if

it was drawn to our attention, we would re-establish a point such as this.

This particular one you were referring to was on the beach?

**Mr. Haggerty:** That is right.

**Mr. Giles:** Do you have the more specific location?

**Mr. Haggerty:** Any time that you want to send one of your staff members down to my place, I'll take him out and show it to him.

**Mr. Giles:** You mean, show him where it was.

**Mr. Haggerty:** Well, I know where it was, but it is probably buried in the sand. Tell him to bring a shovel along and we'll dig it out.

**Mr. Giles:** Well, it would still be there then.

**Mr. Haggerty:** It would probably still be there.

**Mr. Giles:** If they were to re-establish that point, this is exactly what they would do. They would dig down and find it.

**Mr. Haggerty:** It has been removed and the latest one that was put in in 1927 has disappeared. One of the reasons is that there are different places where you allow certain people to go in and remove sand under the Beach Protection Act. Then, the first thing you know, they start digging around these posts. They don't remove it with a back hoe or by a machine; they remove enough sand that it disappears this way.

**Mr. Chairman:** Mr. Stokes.

**Mr. Stokes:** Yes, this ministry administers 90 per cent of the land mass of Ontario, and in land and water protection you have got \$16 million. Now in programme administration, we have been told for years that you were in concert with the federal government through ARDA surveys and through land-use planning. It used to be called strategic land-use planning. You are making a very systematic survey of all of the land resources and the best use to which they might be put, wherever they are located in the Province of Ontario.

We like to think that in northern Ontario we are fairly well advanced with this programme even though there are a good many areas that are still restricted areas. A good

many of those areas are still closed pending a decision as to the kind of activity that that land is best suited for; the carrying capacity of that land for the various activities that people, for whatever reason, want to become engaged in. I am wondering how much liaison there is between your ministry and other ministries with regard to wise land use.

I am not speaking specifically of recreational land, because, as you well know, when you start building transportation corridors—utility corridors have had a good deal of prominence of late in southern Ontario—I am wondering to what extent you become involved with other agencies such as the Ministry of Transportation and Communications, such as the Ministry of Agriculture, such as the Ministry of Energy, now that this is a problem.

Having regard also for the pits and quarries thing, having regard for the greenbelt, having regard for the Niagara Escarpment, I want to get into the northern part after a while but I want right now, if I can, to engage the minister and Mr. Giles to find out what kind of co-ordination there is for wise use planning so that we can assure future generations that a maximum amount of agricultural land will be kept for that use to provide and assure a supply of agricultural products for the consumer tables in the province; and to make sure that the kinds of land that are being used for a specific purpose are indeed the lands that should be used for that purpose, and others set aside for the best use possible.

I think that we have had land classifications across the province. I think we have a fair idea of what any particular land is best suited for. But to what extent does your ministry come down hard on other ministries and say, "Whoa! that's not the kind of inventory that we have made in conjunction with the federal government through that extensive ARDA inventory that is now completed."

I think that if there is any ministry of this government that has to come down hard—since you are the people who do control the land—you will have to come down pretty firmly on other ministries and private agencies to make sure that the kind of use to which these lands are being put is indeed the best possible use for that land.

**Hon. Mr. Bernier:** Mr. Chairman, since Mr. Stokes has expounded so well on this particular item I maybe could respond to it. It is under land and water classification, item 26.

I would say to you that we are doing a tremendous amount of work under what we call our SLUP programme—strategic land-use planning. We have a number of very able people working on this programme. In fact, someday when you have a couple of hours I would like you to come over and see the staff and we could outline to you just how far we have gone in looking at the province as a whole in the planning procedure and identifying some of the more sensitive areas and then breaking it down into, I think it is five regions, and correlating all the information on a broader scale and then taking another further step on a district level so that we've got three steps.

In this process, of course, we have established an inter-ministry group that deals with all the ministries that have an interest in land use. On it are Treasury, Economics and Intergovernmental Affairs; Ontario Hydro; Agriculture and Food; Transportation and Communications; Energy; Environment. I think that's all I have listed here. But all those people do have an input into this strategic land-use planning project which is going on now. It's well advanced.

**Mr. Stokes:** But have there been any major decisions taken as a result of all of this groundwork. Since I first came in here, in I think the first speech I made in 1968, I mentioned about land-use planning and I was assured that this, in fact, was going on. Now this is what, six years later, going on seven.

**Mr. Haggerty:** It is an ongoing study.

**Mr. Stokes:** We would like to see some results of this.

**Hon. Mr. Bernier:** I think I've said on many occasions publicly, and I'll say it again, one of the most difficult and complex issues facing the government today is land-use planning right across this province. It's a complex issue. It's one that we've been working on in conjunction with all the other ministries.

**Mr. Haggerty:** So what they are doing is, they are going to go up and up and then freeze the land.

**Mr. Stokes:** Okay. What we do in the north is we say, "Here's an open zone, here's a closed zone and here's a restricted zone," so that you do have some control over the use to which certain lands are to be put. You don't have that kind of control, I don't

think, in southern Ontario to the extent that you say, "Oh no. This is a non-conforming use. I'm sorry, you'll have to go elsewhere or you will have to ask for another area." Is this kind of thing going on?

**Hon. Mr. Bernier:** Yes, we do. Now the Niagara Escarpment is a very sensitive area and the Niagara Escarpment Commission—

**Mr. Haggerty:** We will get into that later.

**Hon. Mr. Bernier:** —that is tied in. The Toronto-centred region plan is another thing that is tied into this strategic land-use planning. Other sensitive areas, on a broad basis and then broken down on a regional basis, are all plugged in to this strategic land-use planning. Once we devise the methods and the procedures to co-ordinate this planning, then we're off and we're running at a pretty good clip.

**Mr. Stokes:** Well, if I was to go over there now and if you had a map of the Province of Ontario and one of your chief planners pulled it out, would he be able to say, "Okay, this block is Crown land and this is the designation and we have frozen it except for these specific uses." Would they be able to give me that kind of information?

**Hon. Mr. Bernier:** At this point in time, not completely the total Province of Ontario, but specific areas, yes.

**Mr. Stokes:** That's what I'm asking.

**Mr. Haggerty:** You're talking about Crown lands alone, are you not, Jack?

**Mr. Stokes:** The only thing that they have control over is Crown land.

**Mr. Haggerty:** Oh, no. They have control of other land that doesn't belong to them.

**Hon. Mr. Bernier:** We are plugging in other sensitive areas and delicate areas.

**Mr. Haggerty:** The Niagara Escarpment is one. You don't own that.

**Hon. Mr. Bernier:** The north shore of Lake Superior, the lower James Bay area, those are delicate, sensitive areas that have to be blocked out for special planning processes. It's very interesting and I know you are so interested in that and I would invite you to come over to see how far we've gone because you'd be very interested.

**Mr. Chairman:** Mr. Root.

**Mr. Root:** Yes, one question I wanted to ask is, you say you have about 90 per cent of the land mass in Ontario. What relationship do you have with the native people in the north? What rights have they? Look what's happening in Quebec, the great fuss that's going on over there. If we start planning, and we have actually control of the land, what rights do they have on the land?

**Hon. Mr. Bernier:** I would say to you first that the Province of Ontario, not unlike the Province of Quebec, entered into treaty agreements so that we have defined specific areas that belong to the treaty Indians of this province. The federal government are custodians, of course, but they have complete control and right to control those specific areas. I think it's fair to say that in other areas in the north they let us police the line. If there is any development that goes on there, we do discuss this with the local Indian people. We're very close to them. I think it's fair to say that Treaty No. 9 has asked that it be brought into the picture on all planning that goes on in its particular area, and rightfully so.

**Mr. Root:** What is this Treaty No. 9?

**Hon. Mr. Bernier:** Treaty No. 9 is the committee that is co-ordinating all the—I think it's 22—Indian bands in the remote parts of northern Ontario. It goes right from the Manitoba border clean through to the Quebec border and it has offices established in Timmins and in Sioux Lookout. So it is the liaison body that represents all those chiefs who come together on a biannual basis and discuss their problems collectively.

**Mr. Chairman:** Mr. Ferrier.

**Mr. Ferrier:** I was wondering on your programme administration if you have any advisory committees—

**Mr. Haggerty:** It's 10:30 p.m., isn't it?

**Mr. Chairman:** I think we can finish this first.

**Mr. Ferrier:** —set up to deal with any problems in this land management programme area?

**Hon. Mr. Bernier:** Mr. Chairman, if you'll bear with me, I will make the announcement tomorrow afternoon, or Thursday as to who will be on those advisory committees, as part of the package.

Mr. Ferrier: So we really had better not carry this vote tonight then?

Hon. Mr. Bernier: You can leave it if you want.

Mr. Ferrier: Is that not advisory committee? Is it not the one under this vote?

Hon. Mr. Bernier: No, it's under land and water. But I will do it on Thursday.

Mr. Chairman: I think we can carry programme administration. Carried?

Agreed.

Hon. Mr. Bernier: I think you're on the committee, Mr. Ferrier.

The committee adjourned at 10:30 o'clock, p.m.

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# Legislature of Ontario Debates

Ontario. Legislative Assembly

## ESTIMATES, MINISTRY OF NATURAL RESOURCES

Standing Resources

Development Committee *57*

Chairman: Mr. R. K. McNeil

OFFICIAL REPORT — DAILY EDITION

Fourth Session of the Twenty-Ninth Legislature

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Thursday, May 9, 1974

Afternoon Session

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Speaker: Honourable Allan Edward Reuter

Clerk: Roderick Lewis, QC

THE QUEEN'S PRINTER  
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1974



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(Daily index of proceedings appears at back of this issue.)

# LEGISLATIVE ASSEMBLY OF ONTARIO

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THURSDAY, MAY 9, 1974

The committee met at 3:10 o'clock, p.m.

## ESTIMATES, MINISTRY OF NATURAL RESOURCES

(continued)

On vote 2202:

**Mr. Chairman:** Gentlemen, if you'll come to order, the minister has a couple of announcements that he would like to read into the record—

**Mr. J. E. Stokes (Thunder Bay):** Is that Armstrong and Atikokan?

**Mr. Chairman:**—and then the first speaker will be Mr. Good.

**Hon. L. Bernier (Minister of Natural Resources):** Thank you, Mr. Chairman. You will recall that at the closing of the debate on Tuesday last, I mentioned I would make comments regarding the regional advisory committees.

This committee will recall that last year I announced the intention of my ministry to create four regional advisory committees in northern Ontario. The purpose of these committees is to advise each regional director on the development and the modification of land-use plans for his region or parts of his region, to review periodically land-use plans and to recommend changes, to consider matters affecting the use of public lands and waters and make recommendations, and to consider any matters dealing with the activities of the ministry and to make recommendations concerning these matters.

I'd like to point out to the members of the standing committee that the advisory committee now contains a broader public representation than the former district advisory committees. Representatives of chambers of commerce, municipal associations, the mining industry, air carriers' associations, naturalist groups and Indian communities have been added to the representatives of the forestry industry, anglers and hunters, and tourist outfitters.

The committee for the northwestern region has been appointed, and in fact has held its

first meeting already. With regard to the other three northern regions, I received recommendations with regard to the proposed membership for the north-central region, the northeastern region, and the northern region advisory committees. Those who have been recommended are currently being contacted to ensure that they will serve on this very important committee. I expect, therefore, to make a formal announcement on the appointments to each of the other three regional advisory committees in the very near future. I am just waiting for replies from those various individuals.

**Mr. Stokes:** My colleague, Mr. Ferrier, will serve.

**Hon. Mr. Bernier:** Mr. Chairman, I have another item that I know members will be interested in.

Since the point in time when the number of people wishing to acquire Crown cottage lots exceeded the number of such lots available, the method of allocation has been of considerable interest and concern both to this ministry and to the public at large. When summer cottage lots were plentiful they were simply offered on a first-come first-served basis with price fixed by regulation. As demand increased and the supply of lots diminished, the ministry moved to disposition by public auction or public tender.

This has worked out quite well from the standpoint of giving everyone equal opportunity to acquire available lots. At the same time it ensured that returns to the provincial Treasury were in line with the land's full market value. Auctions and tenders have been criticized, however, on the grounds that people of modest means were being constrained from the opportunity to acquire Crown lands and summer cottage lots particularly. We are therefore going to experiment with a method of selecting leases for Crown cottage lots by a public draw.

The mechanics of the proposal will follow approximately this sequence:

When a plan of subdivision is registered, the market value of each lot will be fixed by appraisal and annual rent of the lot will

be 10 per cent of this value in accordance with the public lands regulations.

A central location at which to hold the draw will be selected. Draw date and time, along with the details of the subdivision, will be well advertised in advance. A prospectus and registration form will be mailed out on request to anyone interested and eligible to acquire Crown land.

The prospectus will contain the terms and conditions applying to the leasing of Crown land. Anyone wishing to participate must have his registration back to the ministry at least 48 hours before the time of the draw.

Each valid registration form will be numbered, and the same number affixed to a tag. On the day of the draw, a list of all registered applicants, along with their assigned numbers, will be posted for all to examine prior to the draw. All tags bearing numbers corresponding to the posted list will be deposited in a receptacle, and the draw will commence at the appointed hour.

The person whose numbered tag is drawn first will be given the opportunity of selecting any one of the available lots. The person whose tag is drawn second will have his choice of the remaining lots, and so on, until all the lots are taken. Each winner will sign an agreement to lease the lot selected for the rental that has been fixed and agreed upon.

We have chosen as the trial area for this method of selection two subdivisions in the Thunder Bay district, one containing 15 lots located at Starnes Lake, and the other with 16 lots on Eaglehead Lake. Both lakes are about 55 miles north of Thunder Bay off Highway 800. Details will be published through the local news media, following which the Ministry of Natural Resources office at Thunder Bay will be able to supply all relevant information. It is expected that preparations will be completed and the lots ready for disposition during the latter part of July, 1974.

**Mr. Stokes:** Restricted to residents?

**Hon. Mr. Bernier:** Yes, under the regulations for Crown lands, Canadians have the first right of refusal in the first year. So, for the first time we will be going into a lottery system in the allocation of summer cottage lots.

**Mr. E. R. Good (Waterloo North):** What length of time?

**Hon. Mr. Bernier:** They are 30-year leases with the right of two 10-year renewals.

**Mr. R. Haggerty (Welland South):** Supposing a person owns an existing cottage lot

and makes application for another one, are you going to allow this? Then they turn around and dispose of the other one at good market value and—

**Mr. Stokes:** You can't dispose of it; you just drop the lease.

**Mr. Haggerty:** You drop the lease, but the building might be there; that's what I am talking about.

**Hon. Mr. Bernier:** Under the lease arrangement one person can hold one lease only. In other words, you can't hold two leases.

**Mr. Haggerty:** They can't have an existing lease and then—

**Hon. Mr. Bernier:** If you have a private piece of property, then you can.

**Mr. Haggerty:** Fine. What I am talking about is—

**Hon. Mr. Bernier:** If you buy a private piece of property and have title to that property and you buy it from a real estate agent, and so on.

**Mr. Haggerty:** I just wanted to have clarification—that somebody doesn't have a lease from the Crown now and then make another application; they could still—

**Hon. Mr. Bernier:** No, one individual, one lease; that's it.

**Mr. Stokes:** Now that you are doing it by lottery—and this is something which happens often enough that I think we should give it some consideration—now that you are toying with the idea of disposition of cottage lots by lottery, will you give civil servants an opportunity to bid in the same way?

I know there have been one or two occasions when civil servants felt a little squeamish or a little bit uneasy about bidding for one. Others would say, "We don't think we can accept this because it is going to attract attention and it is going to appear that we had the inside track."

Now that you are doing it by lottery will you give civil servants—and there are a number of them throughout the province who have every right to aspire to a cottage lot—will you accept their application in the same way?

**Hon. Mr. Bernier:** That is a very good point. As you say, now that it's under the draw type system there is no preference that can be shown. We would be glad to consider that suggestion.

**Mr. Stokes:** Thank you.

**Mr. Good:** On the sale of a cottage and transfer of the lease, you have to approve that?

**Hon. Mr. Bernier:** Yes, it can't be transferred from one individual to another. It must revert back to the Crown and then we, in turn, pass out a new lease to the new owner.

**Mr. Good:** How does he arrange his sale of effects?

**Hon. Mr. Bernier:** We watch it very, very closely that we don't have any trafficking in these summer cottage lots. We are watching that very, very closely.

**Mr. Good:** But he sells his cottage subject to the new owner getting the lease?

**Hon. Mr. Bernier:** That is right, yes.

**Mr. Chairman:** Any further questions regarding these two announcements? If not, we will deal with item 2 in vote 2202. Mr. Good.

**Mr. Good:** Thank you, Mr. Chairman, I would like to discuss with the minister the matter of the draft plan approval that has been given for 250 cottage lots in a subdivision on Nappan Island on the Trent River. I don't know if the minister is familiar with the conservation study done in 1970 by the then Ministry of Energy and Resources Management of the lower Trent River region. The report at that time showed two areas along the river—

**Mr. Chairman:** Mr. Good, I think that that should be dealt with under item 7.

**Mr. Good:** No, I am talking about water and land protection.

**Mr. Chairman:** Land, water and mineral title administration.

**Mr. Good:** Title administration?

**Hon. Mr. Bernier:** Yes, that's where it should be; that is where that matter will be discussed.

**Mr. Good:** Regarding your studies of the area?

**Hon. Mr. Bernier:** Yes, it will all come under that particular vote.

**Mr. Chairman:** Item 2, land and water protection.

**Mr. Good:** Now that I've started, and I sat the whole day the other day.

**Hon. Mr. Bernier:** It is up to the chairman.

**Mr. Good:** Can't I get it over with now?

**Mr. Chairman:** No, I think we will take it under item 7, Mr. Good.

**Mr. Good:** I may or may not be here.

**Mr. Chairman:** The member for Sudbury East.

**Mr. E. W. Martel (Sudbury East):** I have a number of points involving this ministry with respect to land that I want to talk about. Most of them are as a result of the select committee recommendations 12 to 17, and they are as follows:

The committee recommends that the amount of Crown land made available for leasing for cottage lot purposes and its distribution across various regions of the province be more systematically geared to Canadian land demand, having regard to the amount of Crown land available and the long-term recreational needs of present and future generations in Ontario.

That is the first recommendation of the select committee. It deals primarily with the recreational needs—

**Mr. Chairman:** I think, Mr. Martel, that should come under item 7, too. Item 2 is land and water protection.

**Mr. Martel:** Yes, right on. I'm talking land protection.

**Mr. Chairman:** No, you are not actually.

**Mr. Martel:** What do you think I'm talking about?

**Mr. Stokes:** Okay, I think to get things in order, why doesn't the minister say what the \$16 million is going for—and then we can be right on target.

**An hon. member:** Good.

**Mr. Chairman:** Okay, fine.

**Hon. Mr. Bernier:** Yes, we have it right here: activity administration, \$1,648,000; fire control, \$7,157,000; communications \$1,240,000; plant and equipment, \$2,790,000; engineering staff studies and expenses, \$1,527,000; Great Lakes erosion control, \$359,000; funds for specific agreements covering the Lac Seul storage dam, Lake of the Woods, Long Lake division and Kenogami, \$20,000; maintenance of locks, bridges, dams, docks and dredging \$316,000; construction of dams, docks, locks and improvements to flow channels, \$1,335,-

000. That totals \$16 million, so that gives you an idea of where the funds are being spent.

**Mr. Martel:** You have land studies in there, Mr. Minister. You have studies, I believe, in the second item?

**Hon. Mr. Bernier:** Engineering staff studies and expenses dealing with bridges, dams, locks—

**Mr. Martel:** Lots, yes.

**Mr. Chairman:** Locks.

**Mr. Martel:** Locks?

**Mr. Chairman:** Locks.

Is this item carried?

**Mr. Stokes:** No, no way. Give me a breakdown on the amount of money you've mentioned for Lac Seul erosion.

**Hon. Mr. Bernier:** Lac Seul erosion? Mr. Cleaveley will comment on that.

**Mr. W. G. Cleaveley** (Executive Director, Field Services Division): Perhaps Mr. MacBean could indicate, Mr. Chairman, what funding is in that particular item; it's Lac Seul storage dam.

**Mr. Chairman:** Mr. MacBean, would you use one of the microphones, please?

**Mr. R. R. MacBean** (Executive Director, Finance and Administration Division): You were inquiring about the matter of the Lac Seul agreement, were you?

**Mr. Stokes:** Yes.

**Hon. Mr. Bernier:** Yes.

**Mr. MacBean:** That's an arrangement whereby the Manitoba government, the Ontario government and the federal government, in co-operation with Ontario Hydro, are controlling the level of the Lake of the Woods waters. Twenty thousand dollars represents Ontario's share of the cost of control.

**Mr. Stokes:** All right. In connection with that item, I'm sure you are aware of the anxiety which is manifesting itself through the people, who are quite interested in land and water protection, as a result of certain industrial activities and certain Hydro activities that have taken place.

I think it is fair to say that in the Lac Seul area, Mr. Minister, of which you are so well aware, and to some extent in Lake St. Joe and the Ogoki and, as a spilloff from the Ogoki, what is happening to the Lake

Nipigon watershed down through the Jack Fish River—since you are spending in excess of \$16 million on land and water protection, I want to engage you and members of your staff for whatever length of time it takes to see if we can't persuade you and your ministry to take an active and meaningful interest in the rehabilitation of Lake Nipigon, as a result of water manipulations which have been going on for some 30 to 35 years.

As you well know, as a result of the hydraulic generation of power using water from the Lake Nipigon watershed—water diverted from the north—there has been considerable impairment of the water quality and the land through erosion, through siltation and through a diminishing of the fish stock, both in the commercial fishery and in the sports fishery on Lake Nipigon. The people in the area are well aware that Ontario Hydro pays a sum of about \$620,000 to \$630,000 a year by way of water rentals to the general revenues of the province. It does anywhere it uses water for the generation of electricity. It is common knowledge that a certain amount of these funds is syphoned off by the St. Lawrence Parks Commission to upgrade recreational facilities and tourist attractions in the area, and we are asking for similar treatment.

There are people within your ministry and people from Ontario Hydro who very kindly accepted an invitation to attend an open meeting at Nipigon on Feb. 8. Your ministry was well represented, particularly by people from the fish and wildlife division, and they were very straightforward in the information they gave and in the questions they answered. I might say the same thing for Ontario Hydro. But we were dealing with people on a regional level. We weren't dealing with the people who are given the ultimate responsibility for making policy. That is my reason for raising this at the present time.

As a result of that meeting, which I mentioned was held with resource people from your ministry, Ontario Hydro and other interested groups, the various interested groups agreed to hold another meeting themselves, to see if they could map out a strategy and a plan of approach to convince your ministry that this was a worthwhile undertaking. They felt, as interested people on the scene, that they had a responsibility to come up with something positive that would present a united front to government for the ultimate rehabilitation of such an important fishery and such an important watershed. They now have formed themselves

into an ad hoc committee for the sole purpose of coming up with a realistic plan of rehabilitating this lake.

The priorities that they will set and will offer to the various ministries through me, I suppose, will be ordained by them. But it is my sole purpose this afternoon to reiterate what I have said on many occasions in the past during the consideration of these estimates and Hydro's estimates. I would like to get some kind of a commitment from you that you do feel that this is a worthwhile undertaking, that in some way you will join with us in persuading the resources policy field that this is a worthwhile undertaking, and that you will co-operate with us to the greatest extent possible to make this rehabilitation process a reality.

**Hon. Mr. Bernier:** Well, if I may comment briefly, Mr. Chairman, the question of Hydro water rentals is a subject that we have discussed on a number of occasions during previous examinations of this ministry's estimates.

I think it has been clearly pointed out that the unique situation that exists with the Niagara Parks Commission is an historic one. The Niagara Parks Commission does not draw from the consolidated revenue fund. It operates as an autonomous body. The St. Lawrence Parks Commission does draw from the consolidated revenue fund.

It is the government's feeling that the water rentals, in all aspects and from all parts of the province should go into the consolidated revenue fund. Then the programmes will stand on their own two feet as to their priority and as to their demand, and those funds can be paid into the consolidated revenue fund on a programme-by-programme basis. In other words, if we are going to develop a rehabilitation programme for Lake Nipigon say, then that programme has to be examined on its merits and on its priorities and the funds will come from the consolidated revenue fund. I think that is pretty well the stated government policy.

**Mr. Haggerty:** Mr. Chairman, isn't there revenue from the other hydro generating stations, say, up around—

**Hon. Mr. Bernier:** All of them, yes. They all pay into the consolidated revenue fund.

**Mr. Haggerty:** In certain areas why can't that money be funded to certain parks?

**Hon. Mr. Bernier:** Well, the way the funding is done in the whole structure of finance

within the government, there are no earmarked funds per se.

**Mr. Haggerty:** But there is on the Niagara Parks Commission.

**Hon. Mr. Bernier:** That is an historic and unique situation. It's the only one of its kind in the Province of Ontario.

**Mr. Haggerty:** That's right.

**An hon. member:** That's not very helpful.

**Hon. Mr. Bernier:** Yes it is. We can take our hats off to the chairman, the member for Haldimand-Norfolk (Mr. Allan), who does such a tremendous job with the Niagara Parks Commission.

**Mr. Stokes:** I'm not detracting from anything that has been done. I'll take my hat off to him too, but since we don't have an authority and because you have commercial fishing interests, you've got angling interests, you've got tourist interests, you've got cottage owners' interests and it covers the whole spectrum of activity there, it has occurred to me while you were talking, Mr. Minister, that if we're going to be successful in this we're going to have to set up some kind of authority, and I'm thinking in terms of a conservation area where we will get funds for that express purpose.

I realize that you could establish a precedent, I suppose, by going around to different areas to rehabilitate areas for whatever reason and whatever the cause might have been. I don't have to remind you that there's literally millions of cords of sunken pulpwood in the Lake Nipigon watershed as a result of rafting operations and driving operations that have been going on for 60 or 70 years and are just now being phased out. I don't need to remind you that as a result of the driving down rivers there are literally millions of tons of bark and residue that have accumulated over the years. So I'm not saying that the degradation of the water and the water quality in that watershed is solely the result of activities by Ontario Hydro, although the water fluctuations have caused the siltation and the bank erosion and caused problems for commercial tourist operators, where they can't get their cruisers out into open water during periods of low water and it does inhibit their ability to serve the tourist from time to time depending on the water levels.

The committee that I referred to earlier is trying to come up with reasonable water levels—upper and lower limits that will more closely meet the needs of all of the people

who are using that wonderful resource. I'm not making any specific demands or requests but I would like you to be aware of the fact that these activities are going on. We will be coming to you with realistic proposals, proposals I think that your ministry can assist with in conjunction with other agencies and other ministries, and I just want you to know that we want a piece of the action. We think it's a legitimate request and we think that it's ever so important that you protect, to the greatest extent possible, a resource that's so vitally important to that entire area where the options are rather limited.

**Hon. Mr. Bernier:** Certainly, when you have your proposals drawn together we'll be pleased to have a real good look at them. If you want to give them to me personally I will take a personal interest in that.

**Mr. Chairman:** The member for Nickel Belt.

**Mr. F. Laughren (Nickel Belt):** Thank you, Mr. Chairman. I want to raise a couple of questions. One has to do with the relationship between water control and flooding and lake levels. I assume that comes under this vote.

**Hon. Mr. Bernier:** Right.

**Mr. Laughren:** I'm concerned because, in the Sudbury area just northwest of Sudbury, you have turned over the problem to the conservation authority, the problem of flooding, a very large flood plain.

**Hon. Mr. Bernier:** Right.

**Mr. Laughren:** I think that it was the wrong thing to do, because it was fine to get the advice of the conservation authority but it does not have the funds to proceed with the development of what I think is the proper solution. They operate, I believe, with a 100 per cent grant from the Ministry of Natural Resources, and we won't debate conservation authorities here because that's in a later vote. I think that the Ministry of Natural Resources has been somewhat negligent in not moving in much more aggressively and taking the advice of something called the SVANK report on the flooding of the Vermilion and the Onaping rivershed after the point where they converge. It has caused serious flooding in the past and there's every possibility that it would occur again.

According to the SVANK report there's a very logical solution, that if you create a reservoir area in two townships called Lums-

den and Morgan you could solve the problem of the flooding and, as well, you could create a day park around that large reservoir that would meet the needs of people in the immediate area. You could have residential development on the lake. You could have fishing. You could have boating. You could recapture a great deal of your funds through leasing of the waterfront property as well. There has been a reluctance on the part of the ministry to really involve itself very much and, in fact, it has been very non-committal and turned it over to the conservation authority which has moved painfully slowly at doing anything about it. As a matter of fact—

**An hon. member:** They don't.

**Mr. Laughren:** —to this date I don't think anything has been done that will correct the flooding of those two rivers. And we are not talking about a large sum of money. To create a lake virtually in those two townships, I think we are talking \$3 million to \$4 million. Flooding alone in a couple of years could cost that much, and that's not taking into account the human misery that is involved when you have severe flooding.

I am wondering if you are aware of that problem and whether or not you'd be willing to provide the expertise and step up the present plans of the conservation authority to do something about that?

**Hon. Mr. Bernier:** Well, you are quite right in saying that it is the responsibility of the conservation authority and you are quite right in saying that we have broadened the area of jurisdiction that that conservation authority now will have.

We go back to square one in the terms of reference of the conservation authority. You'll find that it deals principally with the watershed area. This is why, both at Sudbury and Timmins, the conservation authorities' area is so large. Because after a great deal of study and consultation with the local people and local conservation authority, it was felt that if you are going to control the flood plain lands, the flooding and the flow of waters, you have to take in the whole concept, the whole watershed in a package.

**Mr. Laughren:** That's already happened.

**Hon. Mr. Bernier:** So they have that responsibility now. I think it is fair to say this is a relatively new conservation authority, having jurisdiction over such a wide area, and I am confident they will grasp this problem. It is one that we have been aware of for some time.

I think I share with you the concern that we get on with the job as quickly as possible. As you say, it does cause certain misery and financial loss, and of course we are here to entertain and to examine all the proposals that the conservation authorities bring to us. I might say that the funding is quite generous for the conservation authorities. In some instances we pay 100 per cent of the costs; in some programmes, 75 per cent, and then of course administration and other capital payment is 50 per cent. So it is a very generous programme. We will make sure that your remarks are brought to the attention of the conservation authority.

**Mr. Laughren:** That has already happened at a rather unfriendly meeting I had with the conservation authority, and that's why I know whereof I speak. Plans to do anything at all about it are moving very slowly.

We have been lucky the last two years, I suspect. It may not flood again for ten years, but I think of the situation in Winnipeg where they have built their floodway and are thanking their lucky stars now, many years after they built the floodway, that this particular city is safe.

**Hon. Mr. Bernier:** It was that great Tory, John Diefenbaker, who built that.

**Mr. Laughren:** Well, that could—

**Mr. Martel:** Did you put in one thing that he did, Leo?

**Mr. Laughren:** In that case—

**Hon. Mr. Bernier:** Let the record show he hasn't received the credit he should have received.

**Mr. Laughren:** In that case perhaps—

**Mr. J. F. Foulds (Port Arthur):** That's what they're using the Spadina ditch for.

Interjections by hon. members.

**Mr. Foulds:** You wanted to burn it.

**Mr. Chairman:** Order, please.

**Mr. Stokes:** You and Dalton Camp did Diefenbaker in.

**Mr. Laughren:** You are being provocative very early in the day, Mr. Minister.

**Hon. Mr. Bernier:** Oh, come on.

**Mr. Laughren:** Perhaps you could emulate Mr. Diefenbaker and do something for the Sudbury area. But really, it is not going to happen unless this ministry moves in with

some muscle, because the conservation authority does not have the facilities to do it. You say it is generous funding for what they do, yes—but for a project like this it requires a special input from the ministry, and it is just not happening. And it won't happen.

I agree in some cases there is sufficient funding for what they are doing but there's no way they have the proper funding to undertake a project like this.

**Hon. Mr. Bernier:** It may well be that the priorities of the conservation authority in that area may be different from the priorities you'd like to see established. I guess this is what the problem is.

**Mr. Laughren:** Yes, that is correct. I appreciate that.

**Mr. Chairman:** Is there any further discussion on this item?

**Mr. Laughren:** I wanted to continue on another point. It does not have to do with flooding—it has to do with land rather than flooding—so if my colleague from Sudbury wants to speak?

**Mr. Martel:** As a follow-up on this, does the minister know whether the conservation authority extends to the rivers dumping into Lake Wanapitei? I don't think it does. I've had a number of meetings with Ontario Hydro because of flooding downstream at McVittie and Ontario Hydro tells me that part of its problem—there are two problems. There is one that Government Services must resolve and that's some blasting in the watercourse which apparently it is not about to do. It causes considerable flooding just up from the dams to control the amount of water coming into Lake Wanapitei from rivers flowing from the north. That's why I question whether the conservation authority's authority goes that far.

**Hon. Mr. Bernier:** It's a relatively large area.

**Mr. Martel:** Yes, that's why.

**Hon. Mr. Bernier:** Is Art Latonnell here?

**Mr. Martel:** I know I have met with Hydro several times and it tells me its problem is a result of—we know it's a big body of water we're talking about. In fact, some way up on some of the rivers we must be able to control the amount of input into the Wanapitei River.

**Hon. Mr. Bernier:** Are you aware of the size of the conservation programme?

**Mr. Martel:** Yes, I realize it's huge.

**Hon. Mr. Bernier:** You have seen the boundaries, have you?

**Mr. Martel:** Yes, I have.

**Hon. Mr. Bernier:** It is some time since I looked at them.

**Mr. Martel:** I can't recall whether—

**Hon. Mr. Bernier:** Mr. Latornell, is it covered by the Sudbury conservation authority—Wanapitei River and lake?

**Mr. A. D. Latornell** (Director, Conservation Authorities Branch): I don't think so. I would have to check that.

**Mr. Martel:** No, I didn't think it did and that is what concerns me because I know Hydro can't control 12 or 13 miles of the Wanapitei River. It is not in a position to control that simply because of the amount of water which comes into Lake Wanapitei from the rivers from my colleague's area. They tell me a major concern to them is there has to be damming upstream in some of those rivers and no one has the authority, I guess—other than possibly under this programme—to even look into it and to give it some consideration.

**Hon. Mr. Bernier:** I think we would be glad to have a look at it and see where the problem lies. It may well be that we have some information now on it.

**Mr. Martel:** I would certainly appreciate it if the minister has any information.

**Mr. Chairman:** The member for Nickel Belt.

**Mr. Martel:** Just one moment; the minister is not quite finished.

**Mr. Chairman:** I am sorry.

**Hon. Mr. Bernier:** Yes, we will certainly look into it.

**Mr. Martel:** You would let me know by mail or some way? It will be looked into?

**Mr. Laughren:** Thank you, Mr. Chairman. Concerning the question of surface rights on Crown lands—I think it is under this vote with land protection; you mentioned the administration and protection of Crown lands. Am I correct, Mr. Chairman?

**Hon. Mr. Bernier:** Crown lands?

**Mr. Laughren:** I was going to query you about the ownership of Crown land in com-

pany towns when the mining companies decide to sell off the homes and the lots; and about the kind of price they are asking, given the fact that when they got that Crown land they probably got it through patent rights which meant, I believe, that the service rights went with the mining rights. Is that not correct?

**Mr. Chairman:** That comes under vote 2202, item 7.

**Mr. Laughren:** Under what?

**Mr. Chairman:** Item 7.

**Mr. Laughren:** I would be prepared to deal with that then.

**Mr. Chairman:** Mr. Haggerty first and then Mr. Newman.

**Mr. Haggerty:** Mr. Chairman, I want to go back—I think the minister did make a statement previously—to the erosion along the Great Lakes system and particularly along Lake Erie and Lake Ontario. I am sure the minister must be aware that he did receive a request from the regional municipality of Niagara on a proposal to control the waters on Lake Ontario, along the shoreline; did you not? I will read from the Welland Tribune, I guess it is:

#### WORK CALLS FOR PROGRAMME FOR SHORELINE PRESERVATION

A programme of shoreline preservation along the Great Lakes which makes provision for input in municipalities and individuals is being called for by the regional works committee. Meeting here Thursday, the committee recommended approval of the report which called for the federal and provincial governments to institute such a programme.

The report followed a brief sent to the region in February from the shoreline preservation association. The staff studied the recommendations made in the brief, but said that while they feel some have merit, because of the lack of background information all the recommendations should not be supported.

In the brief, the association called for such things as an immediate increase in the outflow from Lake Ontario, publication of weekly statements on this outflow, additional appointments to the International Joint Commission of people who are knowledgeable of the needed outflow rates, but who are not civil servants, and federal government recognition of its responsibility

ities in costs for erosion control and damage suffered by high water levels.

Now, they raise a point here. Who represents the Province of Ontario on the International Joint Commission? Are there any members of your staff?

**Dr. J. K. Reynolds** (Deputy Minister): On the IJC?

**Mr. Haggerty**: The IJC—yes.

**Dr. Reynolds**: None.

**Mr. Haggerty**: None? Why not?

**Mr. Foulds**: Excuse me, if I could just interject, I was informed in a question about the water levels that the ministry had observers at IJC meetings in Duluth. Did you have observers at the Great Lakes Levels Board meetings?

**Hon. Mr. Bernier**: Yes. We will get Walter Giles to answer this question.

**Mr. J. W. Giles** (Assistant Deputy Minister, Lands and Waters): Mr. Chairman, the IJC is a rather complex structure. There are no specific Ontario representatives on either the IJC or the Great Lakes Levels Board. However, there are a number of committees that relate to the Great Lakes Levels Board and we have representatives on some of these. And the observers at Duluth and at the other hearings that were held around the lakes were merely that—observers. They were people from our ministry and from the Environment ministry who were interested in the proceedings and were there to see what was going on.

**Mr. Foulds**: Excuse me, for just a second. Do these observers make representations to the various water levels boards? Have you taken any initiatives when interests in Ontario—the Great Lakes are largely in Ontario—are directly affected?

What is the purpose of the observance, besides giving you information?

**Mr. Giles**: To hear the briefs that are presented and the discussion that goes on, of course. Yes, there has been input to the various committees over the long period of time that the levels have been studied. There are rather complex reports that have been produced, quite detailed ones.

**Mr. Foulds**: Of course, I read about them.

**Mr. Giles**: We have contributed our expertise to these to the extent that we were asked and could do so. The subject itself is

broken down into a number of different areas and in each of these we have had various people involved in some of the studies that they have asked to have carried out by us.

**Mr. Foulds**: Before they come to agreements about regulations, do they seek approval of your ministry, Mr. Minister, or the Ontario government?

**Mr. Giles**: The final agreement, of course, is between Canada and the United States.

**Mr. Foulds**: Yes, I appreciate that.

**Mr. Giles**: And we have been asked for our opinions on these proposals and have given them.

**Mr. Foulds**: What were your opinions on the suggestions about Lake Superior?

**Mr. Giles**: The levels themselves?

**Mr. Foulds**: Yes. As I understand it, there is active consideration of some—

**Mr. Stokes**: Using it as a reservoir.

**Mr. Foulds**: —raising of the level of the lake; using it as a reservoir.

**Mr. Giles**: Well, there is no proposal that I am aware of that would raise the upper level of Lake Superior.

**Mr. Foulds**: The upper level?

**Mr. Giles**: The proposal that was considered by the Great Lakes Levels Board and was passed along as an option to the IJC for consideration by the two governments still retained the upper limit of 602.2 ft—

**Mr. Foulds**: Not .2. I think it was .0.

**Mr. Giles**: 602.0—right—is still to be the upper limit in the regulation plan.

**Mr. Foulds**: They are considering raising the lower—the minimum levels—is that correct?

**Mr. Giles**: I can let Mr. Panting get into the technical detail of this proposed change in regulation, but as I understand it, basically, it is that whereas the manipulation of the upper lake has been strictly in consideration of Lake Superior in the past, there would now be an attempt to try and consider both upstream and downstream benefits, but not to the extent of ever raising it above 602.0 ft, and the net result would be that there might be, on occasion, less water going out of Lake Superior than there would have been under the old plant.

**Mr. Haggerty:** Well, Mr. Chairman, to go back to my original question. Apparently, then, the province has no input at all with any say that the International Joint Commission has on the control of the levels of the Great Lakes system, except just as a person at a hearing. You can't say anything and you can't have any input at all.

I have attended International Joint Commission meeting in Buffalo, New York, concerning the ice boom at the lower end of the eastern basin of Lake Erie, and I have spoken on the issue once and objected to the ice boom being there. But I can tell you this: Ontario Hydro puts quite an input into any of these hearings; they come in with their technical staff and engineers and there isn't much hope for the average citizen to put up strong arguments against or for such a scheme.

I suggest that the Province of Ontario should have some say in the International Joint Commission. When you sit there while you have members from British Columbia telling people here on the Great Lakes system what the levels should be, it is pretty hard to accept.

Some place along the line, Ontario Hydro plays an important role controlling the levels of Lake Ontario and Lake Erie. I know they have control weirs across the Niagara River—both the power generating station on the American side and on the Canadian side—and they can pretty well control the flow of water going over the falls.

**An hon. member:** It generates here.

**Mr. Haggerty:** I think the minister has probably heard the prediction that perhaps in the not too distant future the falls will dry up, because they can draw that much water off there. That will be the next attraction. I think—

**Mr. J. N. Allan (Haldimand-Norfolk):** No, no. The determining factor is the amount of water that goes over the falls. In high water, the Hydro and the American authority can take any amount of water so long as the agreed flow continues to go over the falls.

**Mr. Haggerty:** Go there at 3 o'clock in the morning; you can almost count every rock out there above the falls. That is how much water they draw off there.

**Mr. Allan:** Well, they draw more after 11 o'clock at night.

**Mr. Haggerty:** I mean, as I said, that will be the next attraction: "Watch the falls go

dry." But surely you must have some input there.

**Hon. Mr. Bernier:** Well, I am not aware of any other state along the Great Lakes having—

**Mr. Allan:** It is an international treaty.

**Hon. Mr. Bernier:** Yes, an international treaty.

**Mr. Haggerty:** This is right, but surely—

**Hon. Mr. Bernier:** But, as Mr. Giles has pointed out, we have subcommittees, though, that can—

**Mr. Haggerty:** It borders the Great Lakes system and surely we should have a little more input in some of those decisions.

**Mr. Allan:** The government at Ottawa doesn't give a hoot.

**Mr. Haggerty:** Regardless of what the government is—maybe there will be a Conservative government—let's hope not—but in a few weeks the changes may come again.

**Mr. B. Newman (Windsor-Walkerville):** Wait until July.

**Hon. Mr. Bernier:** Be careful what you say, Ray. Be careful.

**Mr. Haggerty:** We hope that changes will come then. But there isn't enough effort made.

**Mr. B. Newman:** Wait until July.

**Mr. Haggerty:** The same thing applies to the pollution of the Great Lakes. I know the Province of Ontario has done a tremendous amount of work cleaning up on this side of the Great Lakes. For some reason the Americans have lagged behind, but one of the important things on the American side is that the Legislatures along the border of the Great Lakes system have quite a bit of input into the International Joint Commission, and for some reason the Minister of the Environment and members of the legislative assembly of Ontario have never been asked to appear before any of those meetings. That is all I am saying. I think there should be more input in.

In the matter concerning the high levels on Lake Erie, is your ministry aware of the present method of controlling erosion along certain properties along the lakeshore, where they go out and dump huge boulders among the sand banks? In a heavy storm those boulders are starting to wash out into the lake, and it is going to cause some problems

with swimmers and bathers in the area, and even boats using the water.

Should you not have tighter control, even if it is on private property? If they are going to put those boulders out along the shoreline, let them crib them properly instead of just dumping them there, one on top of the other. As the sand moves, the boulders start to come down and slide right out into the lake. It is destroying the aesthetic value of the lakeshore line, it is that bad.

**Hon. Mr. Bernier:** Yes, on two or three occasions I took a flight down Lake Erie and am well aware of the situation you bring forward. I just don't know how we control that entire lakeshore and the miles of private property. In desperation people are starting to move in rock.

**Mr. Haggerty:** Some of these boulders that they have placed there weigh about four or five tons apiece. Only about two go in a truck. There's no reason why they couldn't be put in there properly, so they won't move.

**Hon. Mr. Bernier:** We noticed some of them were even using old cars in desperation to stop erosion.

**Mr. Haggerty:** Well, that is one way to get rid of them, but it's an ugly sight and I think there should be a stop to it.

**Hon. Mr. Bernier:** There is a very ambitious programme that the federal and provincial people are studying. Mr. Giles is chairman of that particular group, are you not?

**Mr. Giles:** The study?

**Hon. Mr. Bernier:** The study, yes.

**Mr. Giles:** Well, there is a joint study being carried out of the extent of damage and the extent to which some protective works might be considered and ultimately, of course, the cost that would be involved.

The point that Mr. Haggerty brings up is one of a difficult trade-off that the landowner has to make in order to protect his property. He's obviously creating something that he is not going to enjoy later.

**Mr. Haggerty:** Well, I suppose the first question to be asked is, do they own the land? Have you ever made a title search of their property? This is one of the reasons why Crown lands were lost in Bertie township. These persons said, "We maintain it." This is one of the ways. They go out and do a certain amount of work, come into court and ask, "What has the province done?" Chief Justice Stark's comments were that the

province didn't maintain the land. They had done nothing to keep it in repair. So the Crown loses Crown land by this action—by not taking any action whatsoever. I think it's a matter you should be watching very closely.

**Mr. Chairman:** Mr. Newman, is your question along the same line?

**Mr. B. Newman:** Yes.

**Mr. Chairman:** Mr. Newman and then Mr. Stokes.

**Mr. B. Newman:** The minister is aware of the flooding situation in the Essex county area. Almost every time we get a northeast wind, the north shore of Essex county floods quite seriously.

Has the ministry discussed with the federal government in the past some type of flood insurance that could be made available to the residents along the affected areas, similar to what they have in the State of Michigan? Now, I understand the State of Michigan plan is a co-operative one, federal and state. Is the ministry looking into this and coming up with some type of a scheme that could accommodate the property owners in all parts of Essex county, especially the low-lying areas?

**Hon. Mr. Bernier:** In our original discussions and during the crisis that developed about a year ago, that matter was touched on, of course, but when a crisis is upon you, an insurance programme is a little too late so it wasn't given that much consideration at that time. It may well be that the ministry will go into it. I guess Consumer and Commercial Relations would be the ministry that would promote and develop such an insurance scheme. I don't think it would be the Ministry of Natural Resources.

**Mr. B. Newman:** Well, I had understood your ministry would have been involved in the preparation of the plan, and that it would be operated through the Ministry of Consumer and Commercial Relations. I know, in talking with my federal counterparts, they had been discussing it and were seriously interested and the information that I received is that the Province of Ontario was dragging its feet.

**Hon. Mr. Bernier:** I wasn't aware of that.

**Mr. Stokes:** Pass the buck.

**Hon. Mr. Bernier:** Very unusual.

**Mr. Allan:** That sort of statement is par for the course.

**Mr. B. Newman:** You may take it as par for the course. It may not be completely factual, but if you people haven't been attempting to assist the landholders along the area you have been dragging your feet. Even if it is only a matter of public meetings for a discussion to explain the ramifications—cost and so forth—now is the time to be going into it. There was an emergency last night along the Anderdon area of Essex county with high winds and heavy rains and I would assume that this will be a cyclical problem, every seven years or however many years it takes for this type of problem to develop.

Possibly the minister should be looking into this. Maybe it has no merit, Mr. Minister, but at least I think you should look into it. You should discuss it with the federal officials and find out if there is some type of scheme that could be made available to the public.

I imagine it might be the same idea as crop insurance. You may have to pay for half a dozen or a dozen years before you get any benefit, and as a result some may hesitate to get into the scheme. But at least if it is available to some, then those who refuse to purchase the insurance have no one to blame but themselves.

Right now they are laying blame on both provincial and federal levels of government, and even, in some instances, on the municipality for not protecting the landholders. Now I doubt that the municipality would have much financial involvement, but I think the two senior levels could look into the situation.

**Mr. Stokes:** Are you talking about government-sponsored insurance?

**Mr. Foulds:** No fault?

**Mr. Laughren:** Public no-fault insurance.

**Mr. B. Newman:** Go ahead, Mr. Minister, reply.

**Hon. Mr. Bernier:** During the crisis we did come up with—

**Mr. Stokes:** If that is what you want we will consider supporting you.

**Mr. Laughren:** We'll have a vote right here.

**Hon. Mr. Bernier:** —some very exciting new programmes to assist the whole area with regard to dyke repair and construction of protective developments along the shoreline, basically to protect public land and

farmlands. Also we came up with the Shoreline Property Assistance Act that my colleague, the Minister of Government Services (Mr. Snow) introduced and through which Government Services operate. Assistance is available to install or repair shore protection, and repair damage to buildings and structures caused by high water and the impact of ice.

The Act provides for a procedure by which municipalities may borrow from the province and make loans to owners for the purpose I have just mentioned. Of course, limitations are placed on the amount of loans, by regulation. The loans are then repaid as taxes. That is a really good programme that many municipalities have taken up and passed on to their property owners.

**Mr. B. Newman:** I am aware of the programme you mention, Mr. Minister. But from my understanding very few have taken advantage of it. The type of programme that I have been informed of is in operation directly across the town of Tecumseh and in that area of Lake St. Clair. If your officials looked at it—

**Hon. Mr. Bernier:** We will be glad to have a look at it and see if it has any merit.

**Mr. B. Newman:** If it can be adopted after some fashion by the Province of Ontario I think you would be doing the people a real service. The conservation authority does everything it can, but in our area the conservation authority is just a new authority and as a result it will take years before it can really get its feet wet, proverbially, taking care of some of the problems.

**Hon. Mr. Bernier:** We will be glad to have a look at that insurance aspect.

**Mr. B. Newman:** Right, now Mr. Minister—

**Mr. Chairman:** Gentlemen, we will now recess for the vote and then we will come back. Mr. Newman will be on first.

The committee recessed at 4:10 o'clock, p.m. for a vote in the House and reconvened at 4:25.

**Mr. B. Newman:** Thank you, Mr. Chairman. I don't want to dwell on this topic at any length. I've already shown the minister pictures concerning Fighting Island and the need for some action. But I would like to bring to the minister's attention that this is not a new problem at all. In fact, one of his predecessors, Hon. Mr. Kerr, was quoted in the press on May 29, 1971, as

saying: "The time may soon arrive when we will have to move in there and give them six months to clean it up." That is approximately three years ago. The article also reported: "Mr. Kerr said his department is looking at the overall situation and may well order the company to find some place in the United States to get rid of the wastes. He is not too happy with the situation."

I hope that you will do more than simply look at it. The least you can do is impose a really heavy licence charge if we're going to allow them to carry on so we will get some material benefit and spend those funds to possibly purchase other islands or shore properties on the Detroit River and improve the park situation in the county. Thank you, Mr. Chairman.

**Hon. Mr. Bernier:** I think I indicated that I would review the amount of the annual lease when the lease came up for renewal.

**Mr. B. Newman:** Well, don't wait. Act as quickly as you can on the thing and sock it to 'em.

**Hon. Mr. Bernier:** We will.

**An hon. member:** Such harsh words, Bernie!

**Mr. Chairman:** Mr. Stokes—

**Mr. Stokes:** Yes.

**Mr. Chairman:** —followed by Mr. Haggerty.

**Mr. Stokes:** In this vote, in excess of \$16 million, it includes the firefighting capacity of the ministry. I'm wondering, how have you progressed with your expressed intention to co-ordinate your firefighting capacity with sister provinces and with the federal government? It has been my understanding that this is something your ministry has striven for over a good number of years, and I see no evidence that you've made much progress in this.

Now, you have six Trackers, and it is my understanding that ministry personnel are taking an intensive training programme at Thunder Bay at the present time to orient themselves with the most efficient way of using these Trackers. I also understand you are operating out of bases at Dryden and Sudbury at the present time. That is quite a distance if you are going to give adequate coverage and maximum protection in this new method of fire suppression and control and protection of resources.

What are you going to do in the areas that are impossible to cover between Dryden and Sudbury? There was an intimation from

your ministry as long as two or three years ago that you were going to proceed with this programme and you were going to provide intermediate bases at Chappleau and at Geraldton.

The town of Geraldton is well advanced with some kind of plan to provide a much more serviceable airstrip in that area, and the people there felt that they had the backing of your ministry because it makes sense, if you are going to build more airstrips, to provide the best possible services to all people for whatever reasons. It seemed to us three years ago when your predecessor made this announcement, that it would serve that multiple purpose. But nothing has happened.

You've got your fleet of six Trackers, and you are still operating principally from two bases, with some small auxiliary bases in between, but certainly nothing that would accommodate your Tracker fleet.

Is there any part of this \$16 million that is going to be spent to provide the additional capacity to fight fires from bases that will accommodate your Trackers in areas between Dryden and Sudbury?

**Hon. Mr. Bernier:** Mr. Chairman, perhaps I could comment briefly on the first part of the member's comments. I'll ask Mr. Cleaveley to elaborate a little further on the technical aspects, but we have formal agreements with the provinces of Quebec and Manitoba to exchange equipment in cases of emergency, and we meet with other provinces on an annual basis at the technical level and exchange various ideas and new techniques and new information on fire suppression.

Mr. Cleaveley perhaps will elaborate a little further on that, but on the other aspect I want to say to you that the six Tracker aircraft are not our total firefighting force. They are in addition to the regular float-equipped planes that have bomb bays attached to their floats—our Otters and our Beavers.

We don't totally rely on the Tracker operations. They are land-based, obviously, and we have facilities located in a number of spots throughout the northern part of the province—Sudbury, Sault Ste. Marie, Armstrong, Red Lake, Bonnechère, Timmins, Kenora, Thunder Bay and Dryden. The Trackers can operate from these locations at the present time, although in many of these places we have only temporary facilities for filling the Tracker aircraft with the fire-retardant chemicals that we use. In the areas in between, of course, we have the Beavers and the Otters, which

are all equipped for water bombing. So that is the force we use.

**Mr. Stokes:** Well, at the time the announcement was made that you were going to invest a considerable amount of money to bring on a Tracker fleet. It was indicated that you were going to need places at fairly regular intervals throughout the north to provide for these. What happens if you get a major fire where you are going to need this firefighting capability up in the Geraldton area? What happens if you need one over in the Hornepayne area?

**Hon. Mr. Bernier:** At present, of course, we'd use the facilities at Thunder Bay—

**Mr. Cleaveley:** Armstrong.

**Hon. Mr. Bernier:** At Armstrong too, so we could use our Trackers from those areas to attack any fires that occur in the Geraldton area. We have to wait for the development of the airstrips at Armstrong. We put in very extensive facilities for the loading of the Tracker aircraft, so just as quickly as the airstrip programme can get on with the job of developing strips we will move in with facilities, because Geraldton is one of the 10 places.

**Mr. Stokes:** You are saying then that your ministry is not going to provide any money for airstrip construction.

**Hon. Mr. Bernier:** We have no funds for airstrip development. That is not our responsibility. That is T and C.

**Mr. Stokes:** All right, can I ask you then if you will prevail upon MTC to get on with airstrip construction in areas that you think are absolutely essential to the kind of operation that you seem to be getting into?

**Hon. Mr. Bernier:** Mr. Cleaveley just informs me that Treasury, Economics, and Intergovernmental Affairs, along with DREE, are looking into the possibility of coming up with some package for Geraldton and Chapleau for airstrip development.

**Mr. Stokes:** Thank you. I want to engage Mr. Giles for a moment. You mentioned in answering the questions of Mr. Haggerty and Mr. Foulds the kind of input and the kind of liaison you have with regard to water levels. I don't want to flog this unduly, but let's hearken back to when high water levels in the lower Great Lakes were of concern to everybody in the Province of Ontario and everybody was looking for ways and means, if any existed, to relieve that situation.

Certain actions were taken at that time to provide some relief by way of utilizing Lake Superior as a reservoir to the extent that your upper limit of 602 ft permitted. In order to accomplish that and to have a serial action, it was my observation and my understanding that somebody down here did liaise with Ontario Hydro and said: "Having regard for your need for generating on Lake Nipigon, we would appreciate it very much if you would keep the flows to a minimum, having regard for the kinds of things that we are trying to accomplish in the Great Lakes system itself."

Now, were you at any time involved in those discussions? And to your knowledge did anybody bother to see what kind of an effect it was having on the total problem right across? Because if you are going to accomplish anything in the lower Great Lakes, obviously whatever you do is going to have an effect on Lake Nipigon because it is the major tributary of Lake Superior. There is a greater amount of water coming into Lake Superior from the Lake Nipigon watershed than any other. So it does have a very profound effect, even up in the Ogoki Reservoir, and the kinds of things that I spoke of earlier could be aggravated by the kinds of decisions that are taken down on Lake Erie.

You know the kind of fear that was created when one gentleman suggested that we create a reservoir some place in Lake Nipigon to relieve the high water levels in the lower Great Lakes? Well, to a minor extent, that is going on and has been going on for something like 30 or 35 years. If you are going to come to grips with the problem that exists on Lake Nipigon now, and has existed for the last 30 to 35 years when the first generating capacity was installed at Virgin Falls, you are going to have to be cognizant of the fact that any decision you take is going to have a serial action and is going to have a deleterious effect up at the headwaters.

What kind of liaison is there with your staff out in the field, who are responsible for land and water protection? We are spending \$10.7 million a year on salaries, and I would hope that in their responsibilities for this kind of protection, they also have a responsibility for ongoing monitoring to see what kind of effect, good or bad, these manipulations are having. It has been my impression that Ontario Hydro takes the levels, and makes the readings available to your ministry. But, I am looking for something much more serious than that.

You people, who are responsible for protecting land and water, should be on the ground floor making sure—notwithstanding the

fact that you are staying within the maximum and the minimum limits—that the rapid manipulation of water levels is not having an adverse effect within those limits. A good many of these limits which you think are valid now were determined 35 or 40 years ago and may no longer be valid. On the west side of Lake Nipigon, we are in danger of losing an entire community if this is allowed to continue—the Indian reserve at Gull Bay.

What kind of monitoring do you do on an ongoing basis so that you review the rules of the game from time to time? Can you assure us, living in the north, that you are in fact protecting land and water values?

**Mr. Giles:** Well, the manipulation of the control works at the exit of Lake Superior is governed by a rule that was established a long time ago, and isn't varied in its broadest context. The range is relatively narrow within which it is controlled.

The hon. member was referring to the Ogoki diversion and the Lake Nipigon inflows. The Ogoki was certainly cut off completely, and there was no water coming in during the serious periods last year. I believe that Lake Nipigon was reduced. I don't think it was cut off, but I believe that it was reduced.

The volumes, however, are worth putting into perspective because Ogoki alone at its maximum would be about 5,000 cubic feet per second and was running around 3,000 cfs before it was cut off. The Lake Superior reduction in flow, at the time that Michigan asked Canada to do something about it, was from 70,000 to 55,000 cfs. We were consulted at the time to see if we had any observations to make about it, recognizing that all we could do was to make suggestions. We did suggest that the flow be directed over the vulnerable St. Mary's rapids portion to try and retain as much water there as possible.

There was some relief for Michigan and Huron as a result of that action, but from asking our local people who are aware of what is going on locally by observing it, I don't believe there were serious effects as a result of that action on Lake Superior during that period.

Now, the outflows at Lake Ontario, which is the ultimate control at the other end of the system, were increased to well over 300,000 cfs. I just mention these figures to put the effects into perspective. In other words, the flows of the Ogoki and the Huron and the Nipigon, in proportion to the other flows, are not really very high.

In terms of the decentralized operation, it is nearly completely decentralized, insofar as our response to the situation is concerned, and the district managers are the ones who are responsible for taking the action where it is called for. I don't know whether or not Mr. Ringham would like to elaborate on the particular Nipigon-Lake Superior problems from his field vantage point.

**Mr. L. Ringham** (Assistant Deputy Minister, Northern Ontario): The only thing I could add, Mr. Chairman, is that we meet annually with the regional people of Hydro and they outline their plans on how they intend to operate their facilities, but this is all estimated and it depends on the good Lord and how much rain and moisture He is going to put on the ground.

They have made adjustments for us when we have requested them but they still have to meet their own obligations to provide hydro.

**Mr. Stokes:** The reason why I am asking, and I don't want to flog it because it is a local problem, is that I just want to impress upon your regional people, through you, that it is absolutely essential that you do monitor on an ongoing basis, because this was one of the most important fisheries in the Province of Ontario and for the fall spawners it's absolutely essential that there isn't a drawdown in the fall that leaves spawn high and dry. I'm told by the commercial fishermen that the crucial time is from October, when the fish spawn, until February, and if you have a major drawdown between those two points the spawn gets left high and dry and, of course, it is lost.

We couldn't build enough hatcheries to take the place of the spawning that is done. I think we do have a responsibility, within these limits and having regard for everybody's requirements, and if everybody is watching, particularly at this crucial time, we could save ourselves millions and millions of dollars by allowing them to reproduce naturally rather than having to come in and provide some artificial means of helping nature. I just want to know from Mr. Ringham, are you going to watch this particular aspect?

**Mr. Ringham:** Yes. We've been trying to keep an eye on this, Mr. Stokes. I can't guarantee you that we have somebody reading our own gauge at the Macdiarmid station every day of the year or especially in the open water season, because a lake that size is subject to wind, and as for levels you've got to go back to the levels we get from

Hydro really, because they have more measurements at different points than we have, to get a fair average on that lake. But we are conscious of the fact that with any quick drawdown in the fall you are going to leave trout spawn sitting high and dry.

**Hon. Mr. Bernier:** Mr. Chairman, before we move on, I think we should go back to Mr. Stokes's original inquiry concerning our relationship with other provinces and maybe Mr. Cleaveley could elaborate further, because I think the members would be interested.

**Mr. Cleaveley:** Thank you, Mr. Minister. That is a very important question, Mr. Stokes, because I think in the field of forest fire control there has probably been more co-operation among the provinces and countries than perhaps in any other part of the ministry. There has been a Canadian committee on forest fire control established for at least 25 years in which all the provinces of Canada participate on an annual basis, having meetings. The provinces take turns chairing this particular committee and Mr. Foster and Mr. Mackey and other people have been the chairmen of it.

This is a very important committee, because all aspects of fire control are discussed and information exchanged and we have come up with an awful lot of new developments as a result of this particular type of co-operative arrangement.

Secondly, we also have agreements or informal arrangements with the State of Minnesota, and we have a formal agreement, signed by two ministers, with Quebec itself, a border type of agreement which is perhaps a little more expanded than some of the others. We also have had a lot of exchange and communication with other countries including exchange visits with Russia and Australia. Both sides contributed and received something, so our whole fire control programme has benefited by these agreements and co-operative arrangements. We have done the same thing in the US with the North American Forestry Committee, which has a sub-committee on fire involving the US, ourselves and Mexico. So a number of these committees have been established. It certainly means a great deal to keep current with any new development.

I might just mention that California, for example, is at present converting 50 Trackers for fire operations. In doing so, they came to us to get the expertise required to make the conversions. This is another form of co-operative arrangement and, hopefully, I think this

is the kind of thing that can happen in a lot of other areas as well. It certainly helped us.

**Mr. Stokes:** It is worthy of note, I think, that our firefighting capacity is second to none in any jurisdiction. And I think we should pay tribute to the people responsible for evolving this capacity to deal with either man-made or natural fires and particularly the pioneers in the field.

I'm going to mention one particular person whom I feel didn't, and isn't, getting the kind of recognition he deserves. I'm not saying it just because he happens to be a constituent of mine who has retired from the ministry. But in talking to the people from the ministry who have been around for a good long while, the highest of tribute is paid to this man. They say our firefighting capabilities just wouldn't have come about as expeditiously as they did, or maybe they wouldn't have evolved at all without the kind of input that he made.

He is Mr. George MacAdam, who is retired and now living in Beardmore. He travelled extensively and, in fact, still travels, giving lectures to universities and forestry groups and those responsible for firefighting. He did leave your employ on a bit of a sour note, but I think that now would be an appropriate time to say, "Thanks for a job well done." I think maybe you could find an appropriate time and an appropriate way to say just that, because, as I say, I'm not going on my own knowledge. I wasn't around when he was doing all this good work, but I am assured by people in your ministry who know him and of his work that it was a significant contribution. And maybe you can find some way of saying thank you.

**Hon. Mr. Bernier:** I will have a look at that.

Just on one point, firefighting techniques are something that we are constantly searching for—new techniques, new ideas. In fact, Mr. Cleaveley was a guest of the federal government—was it this past year, Bill?—when he went to Russia, at the total expense of the federal government to look at that country's fire suppression operations and systems. So it is a world-round situation and one through which we try to get as much information from other jurisdictions as possible.

**Mr. Stokes:** In your opening remarks you mentioned firefighting capacity and your willingness to accept some responsibility for firefighting in unorganized communities. You know as well as I do that it is almost impos-

sible for many of the organized communities to provide the facilities they need to be adequately protected from fires, regardless of the cause.

Notwithstanding the fact that TEIGA is trying to come up with some kind of plan to allow communities in unorganized territories to organize, and in some way, shape or form to benefit from the grants that are available—sometimes conditional, sometimes unconditional—to other communities, I'm sure you would want to say something about how you would bridge the gap until such time as the new programme does come in.

I know that it was at least possible for people at the ranger level to co-ordinate something with somebody responsible in the community, and that has happened in many areas, and we are grateful for it. However, there are still many more places where, if a fire starts, the people have to get out and watch it burn.

Now that you are bringing your ministry much closer to people, where you have 48 district offices now as opposed to the 21—

**Hon. Mr. Bernier:** Forty-nine.

**Mr. Stokes:** Forty-nine as opposed to—what, 20 or 21?

**Hon. Mr. Bernier:** Twenty-one.

**Mr. Stokes:** —you do have this capability to a much greater extent than you had before. I am wondering if the minister cares to comment or give us some kind of assurance that he will, to the greatest extent possible, co-operate with responsible people?

I am not saying that you just throw a couple of thousand dollars' worth of firefighting equipment in and say "There it is." Because unless you have somebody responsible for looking after all of the equipment and make sure that it is maintained in a useable fashion, you are just going to throw the money away.

There are a good many communities, and I could name many of them, where there are interested people who are genuinely concerned about this, people who do respect equipment, and are willing to keep it in good condition and to protect it. I think it would be money well spent and if it saves one life, it is all worthwhile.

**Hon. Mr. Bernier:** Well, until the new community council programme and the government programme to assist further the unorganized territories of this province are announced and implemented, we will cer-

tainly continue what has been our accepted responsibility to look after and assist those unorganized communities.

We work very closely with EMO. We try to make sure that we have somebody in the community who is responsible and we can go to them; and there is usually one or two or three people who are very interested in firefighting work.

Our staff will go in and hold public meetings and work with the volunteers, if they so wish. In fact, in some of the communities we have even given equipment—Matachewan is one. And there are some other smaller communities where we had to leave the pump there and a small quantity of hose, and this type of thing. We will certainly continue that because I think that it is a responsibility that the government has until there is some formal structure.

**Mr. T. P. Reid (Rainy River):** Well, could I say something about that, Mr. Minister? We had a situation arise in my riding in a township that isn't unorganized—it is an organized township, but they have no firefighting service of their own. The Ministry of Natural Resources was called to come and to help put out the fire. This was something a little different than what my friend and colleague from Thunder Bay is talking about.

It seems to me that there is a pretty grey area here in which a number of problems could arise. I am talking about organized areas that cannot support a firefighting unit of their own. I think that there is a great difference in the way the people in the forestry branch are trained to fight fires and the kind of fires that occur in unorganized territory, or even in organized territory, which are primarily residential or commercial types of fires.

It seems to me that this is a question that has to be dealt with and some policy should be laid down that everyone is aware of. At the moment you are the only ones who can do it, but on the other hand your personnel are not trained to handle that kind of thing. I would rather see a house burn down than see somebody injured. Is the minister planning on giving his people this kind of training?

**Hon. Mr. Bernier:** I think it is fair to say that our people are not trained in structural fires.

**Mr. Reid:** That is what I am talking about.

**Hon. Mr. Bernier:** But certainly in the art of using the tools and the pumps and this

type of thing, we will assist them in every way we can.

**Mr. Haggerty:** You use the same equipment—

**Hon. Mr. Bernier:** In the movement of water mostly in the smaller communities, you are not dealing with two- or three- or five- or 10-storey buildings. You are dealing with smaller buildings. It is the application of water in many instances, really, to stop the fire from spreading to other adjacent buildings. But to actually train people in the art of fighting structural fires—no, I don't think we have any there.

**Mr. Reid:** May I ask then, what is the responsibility of your department in, first, unorganized areas and, secondly, in organized areas where they do not have the facilities? May a citizen phone the ministry and say: "I have a fire on concession lot 5. Will you come and put it out"?

Are you required to respond or is it at the discretion of the district forester in the area?

**Hon. Mr. Bernier:** I think it is fair to say that if there is a fire raging and it's an emergency, we will answer any who call. Certainly if it is going to spread, we have a certain responsibility, with the equipment and men available, to move in. This has been done on many occasions, even in an organized area, when a grass fire gets away on them we have moved in to assist. But our prime responsibility is to Crown lands, and, of course, unorganized areas fall into that area.

**Mr. Reid:** So if I have a house fire in my place and I call your ministry, it will respond?

**Hon. Mr. Bernier:** Yes, we even went in and water bombed some areas.

**Mr. Reid:** All right, that's fine.

**Mr. Chairman:** Mr. Haggerty.

**Mr. Haggerty:** Mr. Chairman, I want to go back to the particular item here where you have reduced the budget by \$5 million, I believe it is. Could the minister give me an explanation as to why, at a time when there is a problem of high water levels throughout Ontario, you would have a reduction of \$5 million in this particular vote?

**Hon. Mr. Bernier:** Oh, yes. That's the movement of the remedial works on the Great Lakes, being transferred to Treasury, Economics and Intergovernmental Affairs.

**Mr. Haggerty:** Oh, that's what it's called?

**Hon. Mr. Bernier:** Yes, it is just a transfer to another ministry.

**Mr. Haggerty:** To continue, Mr. Chairman, I understand that you have a full hearing slated on the dredging issue, involving the National Sand and Gravel Co. and Erie Sand and Gravel, of Erie, Pa.—I guess they have two sand suckers out there. You are supposed to have a hearing on May 27.

**Hon. Mr. Bernier:** That's before the mining lands commissioner, yes.

**Mr. Haggerty:** And this is on whether or not you are going to allow them to extend their leases or rights—

**Hon. Mr. Bernier:** We cancelled their leases.

**Mr. Haggerty:** I know that, yes.

**Hon. Mr. Bernier:** Now, we have to show cause for cancelling those leases and they have a right of appeal. The appeal procedure is through the mining lands commissioner, at which time the company has an opportunity to put its case before the commissioner. We will put ours forward and the general public and the Environmental Law Society are going to make a presentation, and there may be other groups who wish to have input.

**Mr. Haggerty:** How much of this sand is exported to the States?

**Hon. Mr. Bernier:** I believe about 90 or 95 per cent of it is.

**Mr. Haggerty:** Well, have you given any consideration to allowing them to operate any place on Lake Erie to produce sand for Canada?

**Hon. Mr. Bernier:** I don't think so, at this point in time.

**Mr. Haggerty:** Well, are there other areas along the shores of Lake Erie where leases could be given to them?

**Hon. Mr. Bernier:** I believe there is one area. Mr. McGinn might be able to elaborate further. I think there's one area where they do take some gravel off the shore of Lake Erie.

**Mr. J. McGinn** (Director, Lands Administration Branch): Mr. Chairman, there is only one area, right close to Port Alma, where a licence has been issued giving them 5,000 yds per year. This is an operation just off-shore. There's another area that we call the Niagara bar from which material is taken.

**Mr. Haggerty:** That's down on Lake Ontario, isn't it? That's the Niagara River?

**Hon. Mr. Bernier:** The Niagara River, yes.

**Mr. Haggerty:** What about the area around Mohawk Point, which is around the Dunnville area? It would be the Grand River.

**Hon. Mr. Bernier:** There is no dredging there at all.

**Mr. Haggerty:** There was at one time.

**Hon. Mr. Bernier:** I think there was, yes. I think it's fair to say that something we are going to watch very carefully is the export of aggregate. If we do reinstate those licences, and I certainly am not prepared to indicate at this point in time—

**Mr. Haggerty:** But there is a need for the aggregate to be used here in the Province of Ontario.

**Hon. Mr. Bernier:** Exactly, yes.

**Mr. Haggerty:** Now, are we going to allow pit operators to go out and ravage the escarpment, say, around the Fonthill area by removing sand and gravel in that area? Which is the best thing to do? I mean do we go out and remove it from the lake where you can't see it, or remove hills throughout the Niagara Escarpment or from around Woodstock, for example?

**Hon. Mr. Bernier:** I think it is fair to say that we completed a very intensive study of the aggregate resources in the Toronto-centred region plan. That particular report will be released very shortly, and we are giving serious consideration to having a similar study done of the southwestern part of Ontario because there is a critical problem developing there. There is a shortage of aggregate and it may well be that one of the recommendations of that study will be that we stop the exporting, if there is any exporting, of aggregate. I would say to you there are some areas of the province where we actually import aggregate. I think it is in the Owen Sound area.

**Mr. Haggerty:** Yes, right.

**Hon. Mr. Bernier:** Yes, there's importation of aggregate from the American side.

**Mr. Haggerty:** I know in my particular area it means quite a few jobs for the persons employed on those steamships. Not only that but there are persons in the area who are suppliers of sand and gravel and who need

the supply. They usually get it from this particular contractor.

**Hon. Mr. Bernier:** That's something we'll be examining very carefully.

**Mr. Haggerty:** You're going to examine that?

**Hon. Mr. Bernier:** Yes.

**Mr. Haggerty:** I don't know if the other matter comes under this vote or not. This deals with the Shorthills advisory committee.

**Hon. Mr. Bernier:** Yes.

**Mr. Haggerty:** It does?

**Hon. Mr. Bernier:** No, not this one. That comes under the parks.

**Mr. Haggerty:** It comes under the parks?

**Hon. Mr. Bernier:** Yes.

**Mr. Haggerty:** I'll be able to get into that later on, then.

**Hon. Mr. Bernier:** Yes, you will. That would be under outdoor recreation; the third vote.

**Mr. Haggerty:** Will that cover other park sites, too, which the minister is proposing to purchase?

**Hon. Mr. Bernier:** Yes.

**Mr. Haggerty:** Okay. They are all under that particular vote?

**Hon. Mr. Bernier:** Under vote 2203, yes.

**Mr. Haggerty:** All right, then. That's all I have to say.

**Mr. Chairman:** Mr. Ferrier?

**Mr. W. Ferrier (Cochrane South):** I have one brief item. I'd like to echo the sentiments of my colleague from Thunder Bay about fire protection, the advances you are making and the good job you have done. In your opening statement you said you are doing away, as far as possible, with lookout tower observation. Perhaps you could tell me if there are a few still left?

The question I ask is I know there are some days when it's pretty difficult for planes to fly—maybe those are the days when forest fires don't start, I don't know—do you feel with the planes you have and the methods you have of detecting that you are quite safe in doing away with these towers? Are the chances of a fire getting started and out of

hand so slim that it's worth the savings you make by doing away with the towers?

**Hon. Mr. Bernier:** Yes. We've given this a lot of study. I think it's fair to say that at one time we had about 300 towers established at strategic points across northern Ontario. We've moved out of that particular programme and we're down to about a dozen now across Ontario.

We've moved, as you say, to the fast twin-engined spotter aircraft which go up on a regular basis. We watch the temperature at specific times of the year and we are following lightning storms the next day. In fact, we've embarked on a very ambitious programme with the Canadian forest service in operating a lightning storm tracking system across the northwest. Many of the fires are caused by lightning and if our aircraft can get out following a storm, they usually can pick them up at a very early point. About 50 per cent of our forest fires are reported by the general public at large; that leaves us with about 50 per cent of the fires to detect ourselves.

**Mr. Ferrier:** Do any of your planes fly at night?

**Hon. Mr. Bernier:** Yes, we go up at night. Some are equipped for night flying but not that many, really.

**Mr. Ferrier:** You don't feel this is a time when a fire might develop?

**Hon. Mr. Bernier:** We had an experiment a few years ago with the infra-red sensing system and it didn't prove out very well, did it, if I recall?

**Mr. Cleaveley:** We had some difficulty with the equipment. It's a programme which is being used in other jurisdictions. Certainly, the United States has used infra-red equipment at night or early in the morning to attempt to catch fires. It's an area we're still studying but we haven't got the equipment at this point in time to conduct too much night flying.

The major part of our detection is during the daylight hours and our studies indicate that fires generally start in a given time period. With the methods we're using now to analyse weather and to computerize some to our preflight planning for detection, we usually have a pretty good start on knowing where we're likely to have fires and where we aren't. We adjust our flight programmes to compensate for that.

**Mr. Ferrier:** I noticed the other day the member for Grey-Bruce (Mr. Sargent) mentioned the item about the helicopters—the amount you would pay to a helicopter company. Would these be used mainly in fire detection?

**Hon. Mr. Bernier:** Some of it is used in fire detection.

**Mr. Cleaveley:** Fire suppression.

**Hon. Mr. Bernier:** Fire suppression. And helicopters are used extensively in our geological surveys branch.

**Mr. Ferrier:** Oh, yes. That is all I have.

**Hon. Mr. Bernier:** Our record last year, Mr. Chairman, as I pointed out in my opening remarks, was one that we are extremely proud of, if you look at previous years.

**Mr. Ferrier:** Moosonee was about the worst that developed, was it not?

**Hon. Mr. Bernier:** We had about 9,000 acres last year, if Bill is correct. It is something we would like to have down to zero if we could.

**Mr. Ferrier:** But you find a lot of them are started by lightning. Fifty per cent of them are reported by the general public. Would this be fires that they accidentally find? You couldn't say they accidentally started them, they would try to weasel out of that.

**Hon. Mr. Bernier:** A lot of them are campfires, from people who are camping on Crown land, reported as an ongoing forest fire. We sometimes lay charges.

**Mr. Martel:** You should charge some of them \$5 for using Crown lands.

**Mr. Ferrier:** I have no further questions.

**Mr. Chairman:** Any further discussion on item 2?

**Mr. Stokes:** Is there anything in this that deals specifically with Crown land for mining? Or is it all under item 7?

**Hon. Mr. Bernier:** No, that would come under 7.

**Mr. Stokes:** It would, eh? There is one other thing. I don't know whether it was in your opening statement, but you mentioned the use of aircraft for scanning or sensing.

**Hon. Mr. Bernier:** Remote sensing.

**Mr. Stokes:** Yes.

**Hon. Mr. Bernier:** I think you are referring to this. This is a new programme we've embarked on. It is tied into the satellite that is now spinning over the Province of Ontario.

**Mr. Stokes:** ANIK 2?

**Hon. Mr. Bernier:** Yes, ANIK 2, I think.

**Mr. Haggerty:** Going right over your head, Leo.

**Hon. Mr. Bernier:** It is pretty complex, it is a relatively new type of technology. We have about \$90,000, I think, in this year's budget for that particular programme. It basically takes photographs on a regular basis, and from those photographs we can detect the heat radiation from various objects. We can do animal counts. We can tell from the photographs if it is a moose, a deer, or a human being, because they give off different heat waves and these are clearly shown in photographs taken by the satellite. It is very complex—

**Mr. Haggerty:** Be careful, Jack, when you are up in northern Ontario.

**Hon. Mr. Bernier:** We can check your temperature, Jack, and we can follow you around.

**Mr. Stokes:** What a pity you can't do that with trees, then you would know how many you've got.

**Hon. Mr. Bernier:** We can.

**Mr. Haggerty:** Big Brother is spying on you.

**Hon. Mr. Bernier:** We can check diseases as they are moving through the forest. We can check lakeshore erosion patterns and it is just fantastic. In fact some day if you have time you should go down—we have that office set up on Bay St.—and spend an hour or two there and see some of the things that are going on, because it is an exciting new programme.

**Mr. Haggerty:** They can watch every move you are making.

**Mr. Stokes:** If I was down here looking after the affairs of my constituents and you happened to be up at Big Trout would I be able to tell?

**Hon. Mr. Bernier:** That would take a little time, by the time you get it through the computers.

**Mr. Haggerty:** Every time he lit that cigar up you would know it is Leo.

**Hon. Mr. Bernier:** It is very sensitive and exciting, and it is something we are quite interested in. It is going to give us a lot of valuable information. We are just starting into it. I think this is about the second year that we are stepping up our programme. Other provinces have embarked on it and we are right in there with them. It is a national thing.

**Mr. Allan:** Can you see where the fish are?

**Hon. Mr. Bernier:** Not the fish. You need a fish detector for that.

**Mr. Chairman:** Item 3, air services.

**Mr. Stokes:** Yes, air service. I notice there is a modest increase in it. I suppose a certain amount of this would be for the conversion of your Trackers.

**Hon. Mr. Bernier:** It is just a salary increase and employee benefits, and additional workload increases, about \$187,000.

Yes, the Tracker conversion is all completed.

**Mr. Stokes:** It is completed?

**Hon. Mr. Bernier:** It is completed, yes.

**Mr. Stokes:** All right, do you anticipate any increase in complement for your air service?

**Hon. Mr. Bernier:** I would love to. You have hit a very sensitive point.

**Mr. Stokes:** I have travelled in your aircraft and there are a good many people who fly in the north on a regular basis who treat the operations with a little disdain by saying, "Ah, they are Sunshine Airways," and everything else. I think their record from a safety point of view is better than anything that you could see around. The thing is there may be days when others feel that they should be flying when they are not, but who are we to second guess them?

I think it is fair to say that because of the kind of exposure or the kind of criticism that you get about your air services for reasons that are obvious to all of us, maybe sometimes you are a little bit hypersensitive about these things, or oversensitive.

I think it is absolutely essential if a government is genuinely interested in the affairs of the north, in the remote areas of the province and if, indeed, we are going to be able to communicate effectively with people in re-

mote areas, if you are going to get people in the remote areas—and I am not just talking about your Resources Development officers; I am speaking in terms of somebody who has to come in to liaise for educational purposes or Community and Social Services or mining, for whatever reason—I think there should be a reliable air service there for that reason.

Because of this charge-back arrangement and because certain members of the Legislature have been critical for what appeared to be some abuses, I don't think you should let that deter you. I have even been used as an excuse myself on occasion. They say, "Yes, we do make exceptions. We let the member for Thunder Bay go up."

**Mr. Martel:** It is Ross DeGeer who bothers me, when you fly him around.

**Mr. Stokes:** No, I can stand that, and I don't mind you using me as an excuse. But I am saying you shouldn't let it deter you.

I am not going to mention any names but you have people who are responsible for the delivery of educational services in the north and there may be a hot spot someplace in the distance and he has to get in there. The thing is, it is unrealistic to suggest that he should spend a day travelling and maybe a day there and a day coming back. These people are valuable; they have got a lot of work to do. I think this is the vehicle whereby you can make their work a lot easier and make it a lot more meaningful.

As I say, you can stand those little criticisms. The thing is, if you have got those people in the air on legitimate business, you can justify it and I will back you up.

**Hon. Mr. Bernier:** Thanks very much.

**Mr. Stokes:** I am just saying, keep it in mind. And don't let the air carriers dissuade you, because some of the services that are being provided by the carriers leave something to be desired.

You may say, "Go out and hire yourself a charter." Well, as regards some of those people who run down to Ottawa because they feel that maybe you people are a little out of line in the kind of people you are flying into the north, I think if they are associated with this government in any way, I feel that your air service has a responsibility to get them in and get them out as quickly as possible. I think that's a legitimate charge against the taxpayers of this province. There are a good many areas in the far north where that is the only way they are going to be served.

When you look at the accident record of a good many of the common carriers, they leave an awful lot to be desired. When you see aircraft that have got over the double payload; when you get pilots who are flying well in excess of the number of hours that they should be flying; when you get air carriers that are flying in weather that is such that they shouldn't even be in the air at all, I think it is kind of insane for you people to expect government employees to go up under those conditions.

I was on a charter that was engaged by the federal government when they were going in to Osnaburgh House to open up a nursing station there. I was invited along because I was interested and I had advocated that they do such a thing, so they were kind enough to invite me.

We engaged an Otter from a private carrier. It had been used all winter up to that time for hauling fuel oil. You couldn't stand the stretch of the thing. When we got in, there were six of us in the body of the aircraft. They pulled a hammock down from the wall and three of us sat on each side of the plane facing one another. The fellow on the left grabbed a chunk of rope or cord, or something like that and pulled it over. The fellow over here did the same thing and the fellow in the middle tied the three of them together.

That's the air carrier service that's been provided in many cases in northern Ontario. If you ask your superintendent of education or if you ask your director of community and social services to travel under those conditions, it's just absolutely ridiculous. If the private air carriers in the north want to compete for that kind of business, let them provide a service. Until such time as they do, I think it's legitimate that you'll be flying government people around for legitimate government business. I just think that you shouldn't be turning anybody away. You say never mind the payback. Let the bookkeepers and the economists look after that. I think it legitimate that you provide a service for the delivery of services to the people.

**Hon. Mr. Bernier:** Thank you very much, Mr. Stokes, for those very kind remarks. I'm sure you realize I agree with much of what you had to say about our service. We're very, very proud of the provincial air service. In fact, this year is its 50th anniversary, the provincial air service being established back in 1924.

**Mr. Stokes:** I think we should all go for a ride.

**Hon. Mr. Bernier:** I'm going to do more than that. I'm going to present each one of the members of the committee with a little button.

**An hon. member:** An airplane?

**Hon. Mr. Bernier:** This is a replica of the first crest established for the provincial air service. After those very glowing remarks, Mr. Stokes will get his first, if I can give it to him.

**Mr. Ferrier:** Have you got a photographer here?

**Hon. Mr. Bernier:** You can wear it with pride.

**Mr. Stokes:** Thank you very much.

**Mr. Good:** I'm beginning to wonder who runs the north.

**Hon. Mr. Bernier:** About a month ago I had the honour with my colleagues from the Sault Ste. Marie area, the Minister of Transportation and Communications (Mr. Rhodes), the member for Algoma (Mr. Gilbertson) and the member for Algoma-Manitoulin (Mr. Lane), and many of the pilots and the engineers who have been in the service over the years and have performed so well in so many different types of work related to the provincial air service, to unveil at Sault Ste. Marie a historic cairn where we paid tribute to all those people who had been involved in some way with the provincial air service over the last 50 years. It's there and it will remain there for posterity and for history.

Your enthusiasm for our service is something that I appreciate. I think I have to agree with you that there's a feeling in some circles that the people in southern Ontario don't really realize how we use airplanes in the north. You've got to go into the north and really see that they use airplanes as you use a car down here. It's that broad. They jump from lake to lake. They think nothing of just going down to the lake and jumping in an airplane and flitting over for a 10-minute flight to visit somewhere or do their business, as you would use a car.

There's an old bugaboo about using aircraft as a highly expensive mode of transportation, but I can tell you when you've got a job to do and you have the responsibility of managing the resources of the Province of Ontario, which is a big province, that you require, as Mr. Stokes has pointed out, a good fleet and good personnel. I'm very proud of the type of personnel we have

in our air service. They have a tremendous record. I know some of my colleagues just refuse to engage a charter aircraft. They'd sooner wait until one of our aircraft and pilots became available, and they'll delay a trip until they get back.

Some of the things that you point out with regard to some of the air carriers in northwestern Ontario are correct. I have had the occasion to meet with the director of health services and the Indian affairs director at Sioux Lookout just last week to deal with this very subject. Out of that meeting came the strong feeling that the federal Ministry of Transport should be inspecting those aircraft on a much more regular basis. They tell me sometimes those aircraft and their pilots are not checked out for as long as three years. When the inspector does move into places like Bearskin or Big Trout Lake that particular pilot and aircraft may be in some other community for that particular day or two.

It is something I was sure the men wanted to look into because the feeling was expressed at that particular meeting that the personnel, the nurses, who are serving the remote communities are getting very nervous about flying with certain charter services in northwestern Ontario. I share that point with you and I may be calling on you for some support as we move in and ask the federal government to increase its surveillance and inspection, and to improve the type of service we are getting, to which the people are subject in that remote area.

With regard to increasing our complement, I must say to you that I might take those glowing remarks out of context when I go to Management Board next Tuesday. We have an application before Management Board now to increase our complement with regard to pilots and air engineers. Your support here today is very encouraging.

**Mr. Stokes:** More important than that, because of the philosophy or the conventional wisdom in the past that anything beyond a certain level you could afford to forget about it and let it burn, and because of the need for additional wood fibre making you look at your wood inventories at much greater distances from existing mills, you are going to have to have ever-increasing surveillance of those areas to protect those values which are going to be so important if we are going to maintain our relative position in world markets.

There were areas you used to turn your back on and say, "All right, we can afford to

lose that because it is renewable. Maybe, in 60 or 70 years when I go back, it will be a nice flourishing young forest." I don't think you can afford that luxury any more and you are going to need additional capacity to have increased surveillance in areas which have been forgotten in the past.

**Hon. Mr. Bernier:** Very true.

**Mr. Stokes:** One other thing, it is my understanding that as a result of the raiding by the large carriers, such as Canadian Pacific and Air Canada, you could be experiencing some difficulty in retaining some of these excellent pilots you have. I am wondering if you have any idea of a school or some kind of liaison with these flying clubs so that you do recruit people on an ongoing basis? These people who leave your employ are usually the cream of the crop and it is not very difficult for them to be grabbed by the large carriers which are safety-conscious. There is some raiding going on now at the present time and maybe you should be looking at that.

**Hon. Mr. Bernier:** I think it is fair to say that our requirements and our qualifications for those individuals we engage in the provincial air service are very high. In fact, we have a list of applicants as long as your arm, wanting to get in the service. We try to get those pilots who have had anything from 3,000, 4,000 and 5,000 hours in the air so we are getting qualified people and experienced people. I think it is fair to say the turnover in our staff has been minimal really. Once they get into the service, there is a certain pride that goes with the air service and we want to keep that morale high. They are as proud of the service as we are.

**Mr. Chairman:** Mr. Haggerty, followed by Mr. Ferrier.

**Mr. Haggerty:** Thank you, Mr. Chairman. I am one of the members from the southernmost tip of the province, but I do know a little bit about what goes on in northern Ontario, in northwestern Ontario. I think we, the party on this side, can say we are proud of the department's aircraft in northwestern Ontario and northern Ontario. I don't think we have any qualms or beefs about the operations.

I am a little bit disturbed about the matter of the private aircraft being used by the department. If I can breeze through the public accounts for 1972 and 1973, just offhand I think there was about \$900,000

spent for the use of private aircraft for air services.

**Hon. Mr. Bernier:** I think it is fair to say that we don't have enough aircraft, at this point in time, when a crisis does develop. If there is a forest fire or we need extra fire suppression, the transportation of equipment and personnel, and helicopters—we have no helicopters in service—we will purchase from the charter air service.

**Mr. Haggerty:** I noticed there is a list of different companies that have helicopters. But recalling the comments of the hon. member for Thunder Bay on the poor procedures of safety on the aircraft and by the personnel who are operating these aircraft, I hope your department is not hiring this type of aircraft.

**Hon. Mr. Bernier:** No, and I think Mr. Stokes will agree with me that not all the regional carriers of the charter aircraft services are running poor aircraft or have poor maintenance, but some are. It is not a general statement but there are some that leave a lot to be desired.

**Mr. Haggerty:** In particular, then, are you leasing from these owners?

**Hon. Mr. Bernier:** Oh, no. Our regional people watch this very carefully. We don't engage—

**Mr. Haggerty:** You are checking on those very thoroughly?

**Hon. Mr. Bernier:** Yes, very closely.

**Mr. Good:** Is most of your leasing done for firefighting?

**Hon. Mr. Bernier:** Yes, most for transportation of equipment and for forest-fire suppression work. We do a lot of fire detection. We lease that work too.

**Mr. Haggerty:** There are certain times when a person will read in the paper that a number of aircraft have gone down in northern Ontario and in the northern part of Canada. It takes months before they can find such an aircraft. Do your aircraft have any of the safety devices that will monitor distress signals continuously as the aircraft goes down? There is a certain type of equipment, I understand, that you can install in an aircraft. All you have to do is pull a pin and it will continuously sensor.

**Hon. Mr. Bernier:** Yes, all our aircraft are equipped with survival equipment for the

northern run. They are completely equipped if an aircraft should go down.

**Mr. Haggerty:** Do they have this type of equipment, though? I think this is one of the recommendations of—

**Hon. Mr. Bernier:** DOT is coming out with more stringent regulations now.

**Mr. Haggerty:** This is right.

**Hon. Mr. Bernier:** On impact, this beacon gives out radio signals that will go out.

**Mr. Haggerty:** Radio signals, yes.

**Hon. Mr. Bernier:** Yes, we have those.

**Mr. Haggerty:** What about those planes that you lease or hire?

**Hon. Mr. Bernier:** It is a DOT regulation. I think it is coming into force—

**Mr. Haggerty:** It is not yet, though, is it?

**Hon. Mr. Bernier:** Not yet. It is not enforced yet. They've tested a number of different types and I think it was a problem to get a type that was small enough and dependable at the right price. A lot of them would sit in an aircraft for months and years on end. They would never be used unless there was an accident.

**Mr. Good:** I hope not.

**Hon. Mr. Bernier:** Yes.

**Mr. Haggerty:** Talking to some of the pilots from northern Ontario, I understand that they could perhaps trace some of these planes if they had such equipment.

**Hon. Mr. Bernier:** Getting back to the point that you mentioned in the opening remarks about search and rescue. We don't really get involved to that great an extent except in a case of an emergency. We leave this to the federal government and their air force search and rescue team that operates out of Trenton, Ont. On a number of occasions, we have been called out.

**Mr. Haggerty:** I have read that you have assisted them.

**Hon. Mr. Bernier:** Yes, we have assisted them. We give them some direction. I know of one case around Deer Falls where three boys were drowned last year. What do they call those women who look into a glass bowl? Psychic, is it?

**An hon. member:** Fortune teller, or extra-sensory perception.

**Hon. Mr. Bernier:** Something like that. Anyway she looked into a glass bowl and saw that one of the boys was alive. She insisted and the people in the Deer Falls area became very much involved and there was a lot of emotion aroused. In the course of her looking into her glass bowl she could detect certain things that were correct. She identified certain land features and certain lakes and certain buildings. I think she even mentioned that there was a certain car on a certain highway and it was the right colour.

So we moved in and spent three or four days with our aircraft looking around, and answered the call of the general public. I am sorry to say that the fellow was drowned and it was hopeless, but we did respond in that case. It is easier for us and we can operate quicker on an emergency basis than by bringing in the federal government with their search and rescue team.

**Mr. Haggerty:** Are there any funds in your budget this year for buying new aircraft?

**Hon. Mr. Bernier:** No, there are not. I wish there were. I might say publicly that I've been pressing the government to buy a jet. I think that we should broaden our fleet. I think we should have helicopters in our fleet.

**Mr. Stokes:** Well, Joe Borowski, when he used to be the minister of transportation out in Manitoba, looked at the amount of dollars that were being spent by his government in the course of a year on charters and said: "Let's reduce the charters and buy our own equipment." I think he was able to save enough in the difference to increase his fleet by one helicopter each year. You know, all you have to do is transfer that \$900,000 and that will buy you a lot of equipment in the course of a year.

**Hon. Mr. Bernier:** A step further; we do a lot of mercy work too—not a lot—but we did about 30 mercy flights last year. We were called upon in an emergency to bring out sick children from remote communities where the charter and the regular private sector are not available.

**Mr. Haggerty:** Your ministry can be well complimented. What is the age of the oldest aircraft that you have?

**Hon. Mr. Bernier:** We have a piston-engined Beaver that was number two off the assembly line.

**Mr. Haggerty:** That is going back quite a few years.

**Hon. Mr. Bernier:** To 1948.

**Mr. Haggerty:** That's about obsolete, isn't it?

**Mr. Stokes:** It's not obsolete. If they were to put it on the market they'd get about double what they paid for it.

**Hon. Mr. Bernier:** Yes, it's a very valuable aircraft; in fact, we've had inquiries.

**Mr. Good:** For antique value?

**Hon. Mr. Bernier:** We've had several inquiries to purchase that particular aircraft. In fact, the aeronautical museum in Ottawa wants it, so we are considering that.

**Mr. Haggerty:** Your aircraft are pretty well all purchased from de Havilland Aircraft.

**Hon. Mr. Bernier:** Yes, manufactured in Ontario.

**Mr. Haggerty:** What happens if de Havilland closes its doors here in Ontario? There's that possibility if they are not bailed out by the federal government.

**Hon. Mr. Bernier:** They are not building any turbos and Otters at the present time; but we have some excellent facilities at Sault Ste. Marie. We can strip the aircraft and even rebuild it in many cases.

**Mr. Haggerty:** This is within your own ministry?

**Mr. Good:** We saw that on our tour.

**Hon. Mr. Bernier:** Within our own ministry. The maintenance and repair service is an excellent one at Sault Ste. Marie. In fact, all the Tracker aircraft were completely rehabilitated there, totally with our own engineers and the people who work in the plant.

**Mr. Chairman:** Mr. Ferrier.

**Mr. Ferrier:** Yes, having looked at this vote, it doesn't seem that we are really spending an awful lot of money on air service.

**Hon. Mr. Bernier:** I like those remarks.

**Mr. Ferrier:** With some of the money used for firefighting and paying for it is there a transfer, say, from the previous vote into this vote if you are using these planes for firefighting?

**Hon. Mr. Bernier:** No, it is all in this vote here. The costs of running the aircraft are all incorporated here.

**Mr. Ferrier:** And when they are involved in firefighting?

**Hon. Mr. Bernier:** Yes, it's all in here; pilots and air engineers.

**Mr. Ferrier:** You know, that is not very much money, really. I know last year when the public accounts were going wild about this, you would have thought there were millions and millions of dollars—and here we are just going to vote \$2 million. Are you telling me that this is the salaries for the pilots and the maintenance?

**Hon. Mr. Bernier:** Yes, yes.

**Mr. Ferrier:** And your mechanics?

**Hon. Mr. Bernier:** Right, mechanics, right. Supplies.

**Mr. Stokes:** You must have a long-term agreement on fuel.

**Mr. Ferrier:** Well, I would say that you had better tell the Chairman of Management Board (Mr. Winkler) and the boys that it is time they did make some more money available to you on a capital basis so that you can get some helicopters, and so on. I don't know, maybe it is cheaper to rent a jet than it is to own one; but it seems to me that with the amount of travel that people have to do in this province and the time saved by riding on a jet, that it is worthwhile taking a look at.

I remember one time, I shouldn't put this on the record, but I was invited to an annual meeting of the telephone company that serves our area and they promised to fly me home from Earlton. I flew from Earlton to Timmins with some of the senior Bell Canada people in one of these little jets and we were off the ground from Earlton and in Timmins in a very short time.

It is all very well and good, I suppose, to try to use propeller aircraft to get our people around, but in terms of their time and value, I don't know whether you have done a cost-benefit analysis to determine whether the price of a jet is justified or not, but I think that a good look should be taken at it. When you are just budgeting \$2 million for that air service you must have strong arguments to go to the Management Board and tell them, "Look, be a little more realistic." That money, that \$900,000, doesn't come out of this vote?

**Hon. Mr. Bernier:** No. No.

**Mr. Ferrier:** Where does that come from?

Mr. Stokes: Next vote.

Hon. Mr. Bernier: That is the next vote.

Mr. Haggerty: That is for extra firefighting.

Mr. Good: How many planes do you have?

Hon. Mr. Bernier: We have 43.

Mr. Ferrier: And you can run the whole business with this amount?

Hon. Mr. Bernier: I am going to use your remarks next Tuesday on Management Board, I can assure you of that. This will strengthen my argument considerably.

Mr. Ferrier: I think we need this service in the north. It has done a good job and it should very well be expanded and I'd like to see you get some support from them.

Hon. Mr. Bernier: Well, thank you.

Mr. Good: That is \$50,000.

Mr. Ferrier: That is not very much.

Hon. Mr. Bernier: Thank you very much, Mr. Ferrier, for those comments. Just to elaborate further on our 50th anniversary, we will be taking an active part in the Canadian National Exhibition display this year. Our aircraft will have a complete water-bombing display to put on before the general public. We also have indicated to many of the communities in northern Ontario who are having major community celebrations that if they would want a water-bombing display on the occasion of our anniversary that we would give serious consideration to bringing in one or two Trackers and water-bombing aircraft.

Mr. Stokes: Keep Geraldton in mind on July 1.

Hon. Mr. Bernier: Fine. If you want us, could you send in a request? Really, we would put on an air show for you. We are doing this this year. It is something we are not doing every year.

Mr. Haggerty: That's a political act.

Hon. Mr. Bernier: Oh, we can do that for him, too.

Mr. B. Newman: You are not going to carry "Vote Leo Bernier" banners?

Hon. Mr. Bernier: Oh, we might do that. We might have to do that. Don't have any fires July 1.

Mr. Stokes: They are going to blow him up and fly him as a blimp.

Hon. Mr. Bernier: Something the members might be interested in and would want to send to their constituents is a very nice photograph of all the aircraft that we have used in the past 50 years, going right back to the original Curtiss flying boats, and they are all in there. I will bring one after the dinner hour and show it to you.

Mr. B. Newman: You haven't made them into place-mats at all, have you?

Hon. Mr. Bernier: Not yet, no. But we're that proud of this service, really we are, and I really appreciate your support.

Mr. Chairman: Mr. Root:

Mr. J. Root (Wellington-Dufferin): Yes, Mr. Chairman, I think maybe the question was asked and I didn't hear the answer. How many aircraft do you have in your fleet?

Hon. Mr. Bernier: Forty-three.

Mr. Root: Forty-three of all types?

Hon. Mr. Bernier: Yes.

Mr. Root: How many can fly by instruments at night?

Hon. Mr. Bernier: Eleven.

Mr. Root: Eleven. I'd like to say that on the former Ontario Water Resources Commission and now on the Ministry of the Environment we have used your planes and I want to go on record as expressing my appreciation for the type of service.

I was able to get back to Toronto in time for supper last Friday because your people got us out of Kenora and down. We got ahead of the Transair flight. The commercial plane—this is the type of thing that happens—didn't land in Dryden and we would have had to wait up there until 6:45, but by getting through to Thunder Bay we were able to be in Toronto at 6:30. You have very capable fliers and I appreciate it. Without your craft I don't know how I would ever have the appreciation I have of the north, and as I say I have a soft spot. It is a tremendous expanse of territory.

Mr. Stokes: It gets you up out of that activated sludge.

Mr. Allan: You must take some of the rest of us.

Mr. Good: We are beginning to feel left out.

**Mr. Allan:** Yes, we are left out.

**Mr. Chairman:** Does this item carry? Carried. The next one is extra firefighting, No. 4.

**Mr. Haggerty:** Is that where we talk about the extra \$900,000 for aircraft?

**Mr. Chairman:** I think that's been well covered. Anyone else?

**Mr. Stokes:** Could you give us a breakdown on the \$1.5 million?

**Hon. Mr. Bernier:** Yes. Salaries and wages, \$600,000; employee benefits, \$8,000; transportation and communications, \$20,000; services, \$447,000; supplies and equipment, \$425,000.

**Mr. Stokes:** A good deal of that goes to your emergency firefighting crews and this involves, to a large extent—hopefully to the greatest extent possible—native people in the north. I'm wondering if you have ever made an analysis of the number of Indian people that you have used? Is it increasing, is it staying pretty much the same, or is it going down? Can you give me any figures to indicate that, although it is on a seasonal basis, it is a significant factor in the life of the native people who will come out and answer a call for emergency firefighting in much the same way as you do for tree planting in the spring and fall? I'm wondering if you are still allowing them to participate to the greatest extent possible?

**Hon. Mr. Bernier:** Yes.

**Mr. Stokes:** And since you are phasing out many areas, Armstrong being one of them, there's going to be sort of a skeleton crew there. But, are you going to have a permanent firefighting capability in those areas as a result of the dollars that you've got in this vote?

**Hon. Mr. Bernier:** Yes, and I would like to say that we're very proud in the ministry of the relationship that we have with the native people and the tremendous work that they do with regard to fighting forest fires. I think that the native people of northern Ontario compare equally to that tribe of native people down here who are expert in steel rigging. You know, you can draw the same parallel.

**Mr. Stokes:** The Caughnawaga.

**Hon. Mr. Bernier:** Yes, the Caughnawaga. They excel in high steel rigging. Well, our native people excel in forest-fire fighting. And throughout the northern part of the

province, we've trained in excess of 500 native Indian people for forest-fire suppression. We have about 100 native people employed most of the summer on a regular basis. They are standby crews who are trained crew bosses for the full summer. Then we take on the extras out of this bulletin for the firefighting. So, it's a big thing for them and certainly it's a source of manpower that's always available. And they're always anxious to do it. I might say that we look after them well and we feed them well.

**Mr. B. Newman:** Are they covered by insurance of the usual types and workmen's compensation?

**Hon. Mr. Bernier:** Yes, they are fully covered.

**Mr. B. Newman:** Even though they may be part-time help?

**Hon. Mr. Bernier:** Oh, yes. They're completely covered in everything.

**Mr. Chairman:** Any further discussion on this vote?

Item 4 agreed to.

Item 5, resource access.

**Mr. Stokes:** This is going to be quite lengthy.

**Mr. Chairman:** Well, let's start.

**Mr. Stokes:** Okay. You are responsible for a good many roads in the province that I feel personally should be the responsibility of your colleague, the hon. Minister of Transportation and Communications. But because your government, in its wisdom, still feels that you should be responsible for certain roads throughout the province, it creates no end of problems for me, and for people living in certain areas of the province, in trying to find out who is responsible for the capital expenditures and the maintenance expenditures on certain roads.

I want first to discuss the Armstrong road. The lower end of that is tertiary road 800 or 801. Farther up the road is a joint agreement with Abitibi. From Caba Lake to Armstrong is wholly and solely the responsibility of this ministry. Now, you did mention in your opening remarks that a certain amount of money was expended this year on the Gull River bridge. I noted what you had to say in your opening remarks about "other new roads to be built, including portions of the Armstrong and the Gull River bridge." Is this a joint agreement on the bridge? Who is

going to pay for the other portion that isn't being paid for by you?

You mentioned the Red Pine road in the Smooth Rock Falls area, the Ranger Lake road and the new road easterly from Sioux Lookout to Highway 599, and I want to get into that in more specifics. I presume it will be after the dinner hour.

Just how long are you going to assume responsibility of the Ministry of Transportation and Communications because you have no road maintenance capability within your ministry per se? What you have to do pretty well is contract it out, particularly for the maintenance, and I just think that it's a hell of a way to run a railroad. I think that the people who do have the capability, the Ministry of Transportation and Communications, should be responsible for all main roads.

If it's strictly a resources road, I can see a good deal of validity in this, and I don't believe there is any other ministry that could co-ordinate it any better than your ministry as long as the road does go to open up new resources that might be exploited in an orderly way. To suggest that your ministry should be responsible for a road that is as important to the travelling public and will continue to gain in importance is something for which you should not have the responsibility.

Be that as it may, you have responsibility for it and your ministry has been less than responsive to pleas from literally thousands of people, not only from those who live in the area and must get out for essential services and emergency services, but also from those in the tourist industry who are dependent upon it for access to the fish and wildlife resources that we still have in such abundance north of Armstrong.

I think that it's absolutely cruel to expect people living in the Gull Bay-Armstrong area to be asked time and time again to travel over that road. Your colleague, the member for Fort William (Mr. Jessiman), had reason to be travelling up that road about a year ago. He did considerable damage to his car. He never did make it. He turned around and went back. He can attest to everything I say here about the condition of that road. It's absolutely scandalous.

You are still using a grader on it in the wintertime to shove back the snow. Because of the poor alignment of that road, it's absolutely impossible for anyone to do an adequate job of keeping the snow clear and keeping the road passable. I have travelled

that road when it was impassable. You should have had roadblocks up to protect unsuspecting people from travelling on it.

You have had to close the road in the spring during breakup because of the way in which you let your contracts. You let a contract on a 40-hour-week basis. If I were a contractor I would do the same thing they do. I would get in my 40 hours a week from Monday to Friday and say let somebody else look after it from Friday to Monday. That doesn't serve the needs of the people that live in that area who pay the same rate of taxation as you and I do and, because it's an unorganized community, get little or nothing for it.

As long as you are going to continue to be responsible for that road I think that you are just going to have to say you've got to allocate a portion of this \$9.7 million to bring that road up to standard, and I'm just saying it in terms of ongoing maintenance. I think that if some of your ministry staff and other ministers have reason to go to Armstrong—forget the aircraft, just once—they should drive over that road. And I'll drive them up at my own expense if I have to prove a point.

It is without a doubt the worst road that I have ever travelled on anywhere at any time. Someone is going to have to get out from Armstrong to Thunder Bay, 160 miles away, for emergency health services, and, Mr. Minister, he is not going to make it. All hell is going to break loose.

You and I had a meeting with the former Minister of Transportation and Communications (Mr. Carton) and his staff. We got a tacit commitment from him that a substantial amount of money would be spent each year on a reasonable portion of that road that would be easy to maintain.

You would be spending money much more wisely than you are at the present time by just spreading a little bit of gravel and you would be doing it on a continuing basis. I suspect the amount of money that has been spent on that road over the last 15 years on a patch-work basis would have built a completely new road, and the cost of maintenance would have been halved by now. You would have had a lot of satisfied customers, and we wouldn't be sitting here talking about it today.

So I think that if you are going to bring that road up to standard, what you have to do is undertake to change the alignment and make it much easier to maintain and do a lot of ditching. I'm sure that literally tens of thousands of dollars a year are spent, by

those who have to use that road, on car and towing repairs. People, for whatever reason, have to get their cars repaired by being forced to travel over a road whose standards are as low as this one's are.

I don't know what more I can say, Mr. Minister. I know I have the complete backing of everybody who travels on that road. I even get letters—I can pull them out of my files—from people in Detroit saying they've been travelling that road for the last 15 or 20 years because there is a particular fishing or hunting spot they go to. They say if the road isn't fixed this year, they're afraid this is the last year. They're tired of spending a couple of hundred dollars on getting new rims or changing the exhaust system of their cars and that the area will just lose their business.

This isn't an isolated instance. I actually did get letters from Michigan, particularly one from Detroit, from people who travel that road on a regular basis. Now when you are opening up new subdivisions, such as you indicated today—and two of those were up the Spruce River road a little bit farther down—and I know that you just advertised cottage lots four miles south of Armstrong, if you are going to be attracting people into that area, at least you must provide a road that is safe and the kind of road that everybody expects in this province of affluence.

So, I say, I don't know what more I can say about that particular road. I hope I can get a commitment from you to do something on it.

**Mr. Chairman:** Mr. Allan.

**Mr. Allan:** Mr. Chairman, I wonder if, in considering something like this, it wouldn't be appropriate, before we get all the criticism, if you would give an outline of what this particular vote represents and what your road policy is.

**Hon. Mr. Bernier:** I hope the members will recognize that this year we have a considerable increase in that particular vote. We are moving from \$7,602,000 to \$9,719,000, which is a substantial increase. Much of that increase will go for the maintenance of forest access roads, the construction of logging and forest access roads and also the improvement of a road into the Leslie M. Frost Natural Resources Centre at Dorset. So the funds will be used for these purposes. To break down that \$9 million: maintenance of forest access roads—\$2,650,000; the construction of summer resort roads—\$264,000; construction of logging and forest access roads—\$2,322,-

000; and the NORT funds are in this vote, too, this year for \$4,483,000.

Just to touch briefly, we have basically two programmes, you might say, in this particular vote. One deals with our own ministry, the construction of forest access roads, roads into summer cottage developments, and this type of an operation, and we have the NORT committee.

Then we have the NORT committee—the Northern Ontario Resources Transportation committee—which I have the honour of chairing along with the Minister of Transportation and Communications, Mr. Young, who is stationed at Thunder Bay, along with Walter Melinyshyn of the Ministry of Transportation and Communications, is the secretary, so in essence much of the work of the NORT committee is handled by the Ministry of T and C. They do all the engineering, they do all the planning, and they do the contract-calling. The money is here.

Basically the reason is that T and C feel that the standards of construction for these types of roads do not have to be as high as what they construct. It seems that when T and C move in, people are expecting secondary highway standards. And we don't need that.

**Mr. Stokes:** But you see, Mr. Minister, that's my whole point. I am talking specifically of the Armstrong road.

**Hon. Mr. Bernier:** I'm getting to that.

**Mr. Stokes:** Now, if you are going into an area where you are going to seek out resources, that's one thing. But if you are providing a road to transport people and goods, that's something else again. So, what you are saying is, using the criteria that you just mentioned, the people in Armstrong are second-class citizens.

**Hon. Mr. Bernier:** I am not saying that at all. We are getting on with the job of doing something for the Armstrong people. This year alone, out of the \$4 million that we have for the NORT committee, over \$1.5 million will be spent on the Armstrong road.

**Mr. Stokes:** How many miles?

**Hon. Mr. Bernier:** Two contracts of 20 miles each.

**Mr. Stokes:** Good.

**Hon. Mr. Bernier:** In addition to that there is \$140,000 for the Gull River bridge. So there you have, just for that one section alone, \$1,640,000, out of a \$4 million budget. I think that's a fair chunk of dough.

**Mr. Stokes:** Yes, agreed.

**Mr. Chairman:** I think that is a good place to break off, Mr. Minister.

**Mr. Ferrier:** It is after 6.

**Mr. Chairman:** It's 6 o'clock. I understand there is a vote in the House at 6 p.m.

**Mr. Ferrier:** It has taken two years.

**Hon. Mr. Bernier:** Well, that is good news you can announce to the people up in Armstrong.

**Mr. Stokes:** Right.

It being 6:05 o'clock, p.m., the committee took recess.

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Ontario

*Ontario Legislative Assembly*  
**Legislature of Ontario**  
**Debates**

**ESTIMATES, MINISTRY OF  
NATURAL RESOURCES**

**Standing Resources  
Development Committee**

Chairman: Mr. R. K. McNeil

OFFICIAL REPORT — DAILY EDITION  
Fourth Session of the Twenty-Ninth Legislature

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**Thursday, May 9, 1974**  
Evening Session

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Speaker: Honourable Allan Edward Reuter  
Clerk: Roderick Lewis, QC

THE QUEEN'S PRINTER  
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# LEGISLATIVE ASSEMBLY OF ONTARIO

THURSDAY, MAY 9, 1974

The committee resumed at 8:15 o'clock, p.m.

## ESTIMATES, MINISTRY OF NATURAL RESOURCES

(continued)

On vote 2202.

**Mr. Chairman:** We will come to order please. Mr. Ferrier?

**Mr. W. Ferrier** (Cochrane South): Yes, there are a couple of problems in this resource access item that I would like to get some information on.

In the district of Cochrane there are a couple of roads I want to talk about. One is on the Abitibi limits that leads directly from Iroquois Falls and goes up to Camp 29 of the Abitibi. A lot of the workers drive that road going up but of late it hasn't been in very good shape.

Then there is another piece of road that apparently goes from Cochrane across to the Quebec border, but also goes partially on Crown land and then on Abitibi limits. I thought at one time it was under Transportation and Communications, but apparently it is under your ministry. I had one of the workers call me up a week or so ago and state that that road was deteriorating so badly that the men could hardly drive up to their work.

**Mr. E. W. Martel** (Sudbury East): It is like that with most of the roads in northern Ontario.

**Hon. L. Bernier** (Minister of Natural Resources): That is erroneous, a very erroneous statement.

**Mr. F. Laughren** (Nickel Belt): They didn't build a road to go up to Maple Mountain.

**Mr. Chairman:** Order please.

**Mr. Ferrier:** Abitibi tells them they are providing board and lodging if they want to stay up there all week; but men are not doing that very much any more, they like to

get home at nights and not have to stay in camp all week.

I wonder if the minister could do anything to bring that road from Cochrane up to standard and fill up some of those potholes?

The other question about that road going up from Iroquois Falls through their own limits to their camp is this: Does Abitibi have the sole responsibility for keeping that in passable order, or has your ministry got any say in setting a standard which Abitibi must live up to? What is the status of that road and who is responsible? Do you know at all?

**Hon. Mr. Bernier:** I'm not sure at this point, but we could certainly find out for you.

**Mr. Ferrier:** Could you find out. I would be quite happy if you would send me a letter about it, if you don't answer here.

**Hon. Mr. Bernier:** All right.

**Mr. Ferrier:** The other road I'm perennially interested in is that one going south of Timmins to the Texmount property, which I understand has not really been doing very much for the last year or so. Whether it is going to pick up in the summer or not, I don't know. Once your programme is spelled out in your budget, it might have a bearing on that. But it is a small operation and it might be able to get away tax-free altogether. Are you doing anything more on that particular road or is it remaining static?

**Hon. Mr. Bernier:** I don't know what our plans are on that particular road. Maybe Mr. Ringham would know. Are we planning any maintenance or reconstruction of the road that goes south of Timmins through the Texmount mining operation?

**Mr. L. Ringham** (Assistant Deputy Minister, Northern Ontario): I couldn't tell you, sir. But the requirement is that with more maintenance we will do a better job this year.

**Mr. Ferrier:** Maybe you could drop me a note?

**Hon. Mr. Bernier:** Sure, we could check on that for you and get back to you.

**Mr. Laughren:** Maybe rather than the Maple Mountain road, you could put that one in.

**Hon. Mr. Bernier:** Yes. As I said earlier, we have an extra \$1 million for maintenance this year, so I think it is safe to say we will be doing something on that road.

**Mr. Ferrier:** Well if Texmount starts operating again—there is a chance that it very well might—it would help the situation there.

**Mr. Chairman:** Any further discussion?

**Mr. J. E. Stokes (Thunder Bay):** Yes. I want to get into the whole philosophy behind access roads. As a result of increased development in the northwestern quadrant of the province—

**Hon. Mr. Bernier:** Caused by the good leadership of this government.

**Mr. Stokes:** Well it's because the resources are there and there is a market for them. And of course you have economic development where the trees are.

The people of Savant Lake along Highway 599, which is 80 miles north of Ignace by road, with the help of many people were able to attract a sufficient number of dollars to get hydro-electric power into their community. They felt this was just the forerunner of new things to come. As a matter of fact, I hearken back to an event where the minister appeared very prominently when we celebrated the throwing of the switch that provided electric energy to that small community. The minister himself said this was just the start of much bigger and better things for the area.

To give you a little background, Mr. Chairman, I want to tell you that up until about three years ago when Mattabi Mines opened a mine on Sturgeon Lake, the only access was to the town of Ignace, which is about 45 or 50 miles to the south. The mining company was told that the dormitory community would be Ignace, so the mining company proceeded to spend a good deal of money in housing their work force in Ignace and the people there thought they had a new lease on life.

Then through funds made available in this very item we are discussing now, a road was pushed through from Sioux Lookout to Highway 599, intersecting 599 just where the road takes off to go to Mattabi Mines. The people at Ignace were more than a little displeased with that turn of events, because they were afraid that the economic benefits

that were promised to them would be siphoned off to some extent because of the access to Sioux Lookout, where there is a much larger population and where services are of a much higher order.

No sooner had that been done than there was a lot of activity and a great potential just north of Savant Lake. Because of a large expansion by Great Lakes Paper in Thunder Bay, it meant that you were going to have to open up a whole area of timber resources in order to provide the extra wood fibre to satisfy the increased productive capacity at Thunder Bay. It meant that Savant Lake was going to come into its own and they were going to get the kind of development the minister spoke of on the occasion I mentioned earlier.

Now we are told that funds from this vote and funds from DREE are going to extend the Marchington Lake road, which goes northeast from Sioux Lookout. It is going to bisect Highway 599 seven miles north of Savant Lake on 599. So we now have a considerable amount of money spent on access roads from Sioux Lookout to 599, about 40 to 45 miles north of Ignace, and we have the promise of another road to 599 from Sioux Lookout, about 90 miles north of Ignace. The people of Ignace, frankly, aren't too happy about it; and I want to assure you that the people of Savant Lake are less than enthusiastic about the prospects.

I'm not going to read this whole letter I have. You got a copy of it, I think, as did the member for Rainy River (Mr. Reid). They ask four very pertinent questions. How did this road from Sioux Lookout to 599 receive top priority to assist the growth of Sioux Lookout? What has happened to the road that was punched through the wilderness to the extent that the people in Sioux Lookout would have ready access to Mattabi Mines on Sturgeon Lake. Why and by what means was the above road justified? What will happen to the tourism industry in Ignace when the road link is made from Fort Frances to Dryden, coupled with the road link from Sioux Lookout to Savant Lake?

Actually it is about seven miles north of Savant Lake, so the people in Ignace feel, as a result of that new link, anybody who wants to go up to the Pickle Lake-Central Patricia area could quite conceivably bypass Ignace and Savant Lake; and they are not a bit happy.

I have a letter from the minister indicating that this conforms quite nicely with the Design for Development for Northwestern Ontario where they put the emphasis on the

primate centre, Thunder Bay, and the strategic A centres. This is all fine and dandy. It makes for a nice, neat, tidy plan if there were no people to serve and you didn't have to be concerned about existing communities.

Ignace has been around for a good long while. Its status has been upgraded since the Design for Development report came out. But it feels left out as a result of actions that have been taken since it was told that it was going to be the dormitory community for the mining operations at Sturgeon Lake.

As a result of other initiatives taken by the provincial government in concert with the federal government, it now looks as though they might be by-passed again when the road goes from Fort Frances to Dryden to Sioux Lookout to Highway 599, north of both Ignace and Savant Lake.

So you can understand, Mr. Minister, that the people are more than a little disappointed about these events. If small communities such as Ignace and Savant Lake, where people live and aspire to a certain level of services, are going to be assisted, I think we are going to have to sit down, chat with them and find out in which direction they want to go. We are going to have find out how they fit in with the overall development programmes of this government.

The area in question is one of two economic regions in the province where we do, in fact, have a Design for Development that has been accepted as government policy. Presumably we can see great things happening in an orderly way.

But you don't go about designing plans for development having no regard for people in the area. On one hand you are decentralizing, by saying okay, let's reorganize our whole ministry and get our services out where the people are. On the other hand, in trying to implement Design for Development, you are decentralizing from Toronto and you are centralizing in the region.

The point is if this is the direction your government is going to take—and I know that TEIGA is responsible for the implementation of Design for Development—if it is going to work, if it is going to enjoy any kind of success at all your ministry is going to have to play a very important and a key role.

So I think you should be talking to the people in Ignace and Savant Lake, as my colleague from Rainy River and I are doing. You should say: "These are our overall plans; now let's sit down and see how you can fit into them."

We only have one major centre of population in northwestern Ontario, and as you well know if it weren't for the resources found within a 300-mile radius of the city of Thunder Bay, you could roll up the streets there. Almost the entire economy of that city is based, to a large degree, on the resources of the northwestern region.

If that is what you want to do, and say that all of the outlying communities are of very little consequence, they are going to act as dormitory communities and let it go at that, all right; but let us know the name of the game and let us come clean with the people in most small communities and small hamlets in northwestern Ontario.

If in your overall Design for Development in the exploitation of our resources you are going to try to the greatest extent possible to maintain existing communities, and try to provide a better level of services for them, that's fine and dandy. That's what we should be doing. But when you build up the hopes of communities like Ignace and Savant Lake only to see them dashed—I'm not saying it is intentional but it looks as if it is intentional—and when you get a letter from the town council of Ignace, that couches things—and I am not going to be political about this although I could be—but when they couch things in the way that they did, I think it is time we sat down and had a talk with these people.

I think it is time we said: "All right, maybe we were a little bit hasty, maybe we are paying much more attention to Design for Development and all its ramifications than we were when we made other decisions." Now is the time to sit down and see if we can't open up the line of communications and plan an approach to regional development that meets the needs of the people to a greater extent than it is doing at the present time.

Sure there are DREE funds going into this new road from Sioux Lookout north of Savant Lake. They are going to be siphoning off what little activity we thought we were going to get at Savant Lake. And what is going to happen if for instance—and let's put our cards on the table—\$400 million is to be expended up at Lake St. Joe? You are going to build on the existing community at Pickle Lake for any activity that is associated with Umex. Then you are going to hack a brand-new community out of the wilderness some place close to the mine site. And you are either going to have a railway or a pipeline going south to bring either slurry or concentrates or the finished product or the semi-

processed products, such as sponge iron or pellets. You are going to need a mode of transportation and this is going to employ up to 800 people. Now, where are you going to house them? Are you going to say—as has been said by the town council and planning board of Sioux Lookout—are you going to say—

The member for Rainy River can't stand to listen to it, because he is a part of it—

**Mr. T. P. Reid (Rainy River):** Jack, you have taken all the time ever since these estimates began and you repeat yourself ad nauseum.

**Mr. Laughren:** You should be embarrassed about this one.

**Mr. Stokes:** Maybe I should have read the letter.

**Mr. E. R. Good (Waterloo North):** You have been asking—

**Mr. Martel:** Do what you want, Jack; to hell with him.

**Mr. Stokes:** All I am asking is this. What is going to happen associated with the development at Lake St. Joe? Is there going to be a siphoning off to Sioux Lookout? Are Savant Lake or Ignace going to be able to enjoy some benefits from that?

The people in the area, as you well know, are asking all of us, regardless of our political stripe, all of these questions. They would like to be brought in on the consultation before any major decisions are made. If these decisions are made strictly on economic grounds, with no regard for the people who are living in the area, they are not going to be happy about it and it is just going to mean more trouble for all of us.

I can readily understand why the member for Rainy River is put out.

**Mr. Laughren:** He is embarrassed.

**Mr. Stokes:** I am sure that he would like to have raised this question. It just happens that he is a Johnny-come-lately. He has egg on his face. I don't think he has done the job he should have done on behalf of the people he represents, and I am not trying to do it in a political way.

I think we have a responsibility as elected members to get the best kind of development possible for all of the people of northwestern Ontario, regardless of where they may live. I am not going to flog it, but I would like the minister to assure us there is going to be some sense of direction and that we are not going to do it on a parochial or political

basis. I want some assurance that we are going to do it in a way that maximum benefit will accrue to all existing communities to the greatest extent possible.

**Hon. Mr. Bernier:** Mr. Chairman, if I may respond briefly. Certainly the member is quite correct in saying there is a tremendous economic boom in northwestern Ontario at the present time, both in the mining industry and in the forest industry. This has accelerated the government's intention of spending dollars in those particular areas where they are needed; as a result, we find ourselves going back to Design for Development. And I recall that the hon. members in northwestern Ontario pressed the government to get a plan so we know where we are going. Those roads that are being constructed are on that plan; they are for everybody to see.

There has been consultation over the years. Every one of those will be built eventually. This is not working one community against the other. Sure I know the communities are parochial in their desires. Everybody likes to see his own community expand and grow; at least to improve the quality of life in some of these smaller places—and this is our desire too. There are roads that are 40 and 50 miles apart. The road from Sioux Lookout to Valora has been on the drawing board for years, as has the one going north, the one we call the Marchington Lake road.

**Mr. Martel:** It sounds like the Timmins highway.

**Hon. Mr. Bernier:** They have been pounding on that in the Chambers of Commerce and everybody has been looking for an access. The Pickle Crow people wanted an access road to Sioux Lookout.

The plan is there for everybody to see and for everybody to be aware of it. It is not something we just pulled out of a hat yesterday morning and decided on. I just can't accept the argument there was no discussion and no plan. In fact, I am pleased to say that in my own capacity, working very closely with the former Minister of Municipal Affairs, we were able to get Ignace upgraded into a strategic B position that will focus more attention on that particular area.

When you consider the growth in Ignace in the last two or three years, it is astronomical. There are two boom towns in northwestern Ontario; one of them is Ear Falls and the other is Ignace. Just about a month and a half ago I was in Ignace to open up a 13-room school, and I had the pleasure of announcing that construction of

another 13-room school would commence this September. So development and growth is occurring in Ignace. They have never enjoyed such a boom.

**Mr. R. Haggerty** (Welland South): Were you there too, Jack, for the opening of the school?

**Hon. Mr. Bernier:** It's fantastic. There are motels going in there, and there are NODC loans going into Ignace—

**Mr. Haggerty:** Didn't you get an invitation?

**Hon. Mr. Bernier:** It is going to be a model community. It is something of which we will all be proud in northwestern Ontario. But to say there is going to be a siphoning off; I just can't accept that, because I am a firm believer that a road anywhere in northwestern Ontario is a good investment. It is not really a cost to anybody, because we don't have that many roads.

**Mr. Martel:** That's right.

**Hon. Mr. Bernier:** But we can gain; the whole area gains. I think we have to look at the whole area.

Just to touch on the decision to construct the Marchington Lake road, I think it is fair to say that DREE came in and looked at it and were very excited about it. They are prepared to put up 50 per cent of the cost of that road. The Ministry of Treasury, Economics and Intergovernmental Affairs, which is responsible for Design for Development, will put up the other 50 per cent.

There is no money out of the NORT committee for the Marchington Lake road under this vote, except that the access of that road did not meet the standards of the MTC. It was given to the NORT committee to work very closely with MTC to determine the alignment, and of course to try and work closely with the Great Lakes Paper Co. I think it is fair to state that they want to establish very quickly in that particular area and start a cutting process that will have the resources ready for their operation when they come on stream in a couple of years. There will be a tremendous amount of activity in the Savant Lake area. I don't think anybody would want to leave—

**Mr. Stokes:** Like what?

**Hon. Mr. Bernier:** It will be a dormitory, something like Sioux Lookout. That is all Sioux Lookout will get out of Great Lakes.

Great Lakes have said very clearly they are having extreme difficulty in keeping good people working in the woods operations, that they have to work from communities that have the infrastructure and all the things that the people living in bigger communities have.

**Mr. Martel:** And well they should.

**Hon. Mr. Bernier:** They have told us very plainly and very clearly regarding the establishment of a dormitory in Savant Lake at this time, that it doesn't have the infrastructure and all the facilities for a community.

The only service they have in Ignace now is the one this government embarked on. It was a very ambitious programme, at tremendous cost, putting in hydro power; which to me is an essential service that should have been there years ago—I'll buy that. But there is no sewer and water; it is an unorganized community; it is a hamlet.

**Mr. Stokes:** Are you suggesting, then, that the corporation of the township of Ignace are being unreasonable or irresponsible?

**Hon. Mr. Bernier:** No, I'm not saying that at all. I appreciate their concern for their community. I think if you went to Sioux Lookout you could get a similar outlook. If you went to Pickle Lake you'd have a letter saying: "Look, don't build a new community for Steep Rock Iron Mines, we'd sooner have it here."

You get those arguments. We have to look at an overall, broad picture that will bring economic benefit to the whole area regardless of one specific strategic point.

**Mr. Stokes:** All right, I'm not going to flog it, because all I want to do is bring the concern to your attention. But let me ask you one question: The Design for Development for Northwestern Ontario was on the drawing board and everybody had a pretty good idea what it was going to entail before Mattabi went into production. Yet when the mining company said to the minister and to TIEGA: "We want a dormitory community"; they were told: "You are not going to build a new community. You will have to build on an existing community."

Now at that time the only access was down to Ignace. So no sooner did they get started with providing accommodation for their people in Ignace than in comes the road from Sioux Lookout. Now if the road from Sioux Lookout to Valora was on the drawing board for so long, as you indicated,

and if it was the government's intention to have that economic benefit accrue to the people of Sioux Lookout, why didn't you push that road through so that Noranda Mines could have said: "Okay, that's the community we are going to have to be directed to?"

But that didn't happen. They had already spent the money and located the people in Ignace. Then the road went through.

I don't know to what extent it is going to be siphoned off from what's happening at Mattabi, and what could very well happen at Falconbridge and maybe one other mine. All I'm saying is that if you've got 50 per cent going in either direction, you are going to have to spend just as much money at Ignace as you will to provide accommodation at Sioux Lookout.

When these decisions are taken we have to have a plan, and I've advocated it for years. But don't let it work at cross purposes so that a fellow like me can say: "Well I don't think you did your homework. I think the thing just grew like Topsy without any order." I don't think we should leave ourselves open for this kind of thing. Before decisions are taken let's be able to justify them, having regard for the benefits that will accrue to the greatest number of people.

**Hon. Mr. Bernier:** I can't see any siphoning off to Sioux Lookout. Those homes are established; the people are living in Ignace; they are well-established and subdivisions have been developed there that are as modern as you will find anywhere in northern Ontario. Why would those people move to Sioux Lookout now? I just can't accept that.

But the access is there. It is part of an overall plan and why not move ahead with it. I just can't find any argument to stop it.

Lackie Phillips, who was very much involved in development of northwest Ontario, strongly supported a road from Valora to Sioux Lookout. His argument was that both communities can grow together. There is no plot. We need all kinds of access. We'll never have too much access in northwest Ontario. There are roads to be constructed from Ignace to Atikokan, and as I mentioned in my letter to you, south of Savant Lake. Great Lakes have also indicated they would like to come up to—where is it?—Marchington Lake road eventually.

**Mr. Stokes:** Yes.

**Hon. Mr. Bernier:** That is all part of our overall plan. We'll develop it.

**Mr. Chairman:** Mr. Martel.

**Mr. Martel:** How do you get tax dollars? When you have a dormant community like that and you push out an access road to a natural resource which is possibly in another township, where do you get the tax dollars from that industry to in fact meet part of the cost that the dormant community then absorbs? I think of my own community, which for years had to put an addition on each school and open up several new subdivisions and so on; and the mine itself was some 14 miles away from town, beyond our ability to tax them. Yet the local taxpayers had to put in the services and so on and add on to the schools.

**Mr. Haggerty:** It has all been changed now since regional government.

**Mr. Martel:** Yes, that might change in the Sudbury area with respect to regional government, but there are areas where you don't have regional government and this is going to occur. I want to know if there's some plan in the offing as to how we can in fact make those industries pay their share toward municipal services.

**Mr. Haggerty:** Sure there is. It is coming.

**Mr. Laughren:** Ray, are you defending the Tories again?

**Mr. Martel:** Will you just be quiet? If you want to get serious, talk on. But if you don't care, sit in southern Ontario for a while. You have no concept of what is going on.

**Mr. Laughren:** Join the Tory party where you belong anyway.

**Mr. Haggerty:** All you had to do was read the Throne Speech; it's right there.

**Mr. Martel:** I have read the Throne Speech.

**Mr. Haggerty:** It's coming.

**Mr. Martel:** All right, you tell me how it's done.

**Mr. Haggerty:** You will have to watch for it, that's all. Be on your toes, in the fullness of time.

**Hon. Mr. Bernier:** I think the member for Sudbury East is quite right. This is a problem, particularly when we are dealing with the resource industries. The member for Thunder Bay mentioned that the town of Geraldton has that very same problem, where it is a dormitory and all the resources are being shipped to another community for pro-

cessing and all the industrial assessment is in that community. I can say to you that the town of Sioux Lookout is not ecstatic about being a dormitory for a woods operation. They are not jumping up and down and screaming it's going to be a wonderful thing, because they know the extra cost is going to be placed on their community. They are aware of that, the schools, hospitals, sewer, water and streets; and all they are getting is residential taxes. They are aware of that. So to say that Sioux Lookout is jumping up and down and screaming it's a wonderful thing; they would sooner have some form of industry.

**Mr. Martel:** Yes, but industry has got to pay for that. They take it 40 miles away and this is a dormitory community. Somehow they have got to pick up part of the responsibility of that cost to that municipality.

Otherwise, they do like National Steel did for years. They located 14 miles beyond Capreol while the municipality picked up the tab. In fact when we moved into regional government, they fought like mad to split a township so the part of township they would be in would remain outside of regional government.

**Mr. J. N. Allan (Haldimand-Norfolk):** Mr. Chairman, I suggest that you are not only out of order but you are in the wrong ministry.

**Mr. Martel:** No we are not.

**Mr. Allan:** Oh yes you are. You should take this up in TEIGA.

**Mr. Martel:** Yes, but the point, Mr. Chairman—

**Mr. Allan:** Certainly you should. That is right.

**Mr. Chairman:** I will have to agree with Mr. Allan, Mr. Martel.

**Mr. Haggerty:** It certainly is getting a little far-fetched.

**Mr. Martel:** Mr. Chairman, I beg to differ with the learned gentleman, this is the programme—

**Mr. Allan:** This is taken care of entirely in the TEIGA just taxation approach.

**Mr. Martel:** It is not taken care of by TEIGA.

**Mr. Haggerty:** He has forgotten more, Mr. Allan, than you will ever know.

**Mr. Laughren:** Ray, you really are a bloody Tory. Why don't you cross the floor?

**Mr. Martel:** It is not taken care of by TEIGA.

Interjections by hon. members.

**Mr. Chairman:** Order, please.

**Mr. Martel:** And this minister must know how to say the word so those communities do in fact get the funding necessary. It's a whole new concept, having dormitory communities which are opposed to building new town sites. Three years ago, I guess, the minister was somewhat surprised that I said we should be putting money into these types of roads. There has got to be a way, and the minister must know how, that the revenues are going to accrue to the municipalities that absorb this influx.

**Mr. Chairman:** Mr. Foulds.

**Mr. Martel:** One other question, I just wanted to ask the minister—and he hasn't answered the first question—if in fact that great study that was undertaken by this ministry on that access to resources programme from North Bay to Parry Sound with the ONR, has that report ever been—

**Hon. Mr. Bernier:** It is not within this ministry.

**Mr. Martel:** Oh but it was. It was announced by the "white knight" and he was going to have it done. You will recall; a railroad from North Bay to Parry Sound; he announced it during his candidacy.

**Mr. Chairman:** You are completely out of order, Mr. Martel.

**Mr. Martel:** Well, I am not out of order. The minister of the day announced a programme—

**Mr. Chairman:** That pertains to railroads. We are not discussing railroads. Mr. Foulds.

Interjections by hon. members.

**Mr. Martel:** Mr. Chairman, on a point of order, the programme was announced by the former Minister of Mines. Now, stop playing games.

**Mr. Allan:** What vote is that under?

**Mr. L. Maeck (Parry Sound):** The member for Sudbury East is playing the games.

**Hon. Mr. Bernier:** It is not in this ministry. We have no funds for it, we have no report and we have not done a study on it.

**Mr. Martel:** Oh there was never a report. He was just window dressing was he?

**Hon. Mr. Bernier:** If you check with other ministries; and I'm sure you would check with my colleague the member for Sault Ste. Marie (Mr. Rhodes), you'll find out from him.

Interjections by hon. members.

**Mr. Chairman:** Order, order. Mr. Foulds.

**Mr. J. F. Foulds** (Port Arthur): Yes, Mr. Chairman—

**Mr. Martel:** God, that was interesting.

**Mr. Foulds:** Before I start, so that I won't get ruled out of order by one of the constitutional experts around here, I'd like to know if this is the vote on which I discuss wilderness cabins?

**Mr. Chairman:** No.

**Hon. Mr. Bernier:** No.

**Mr. Chairman:** Any further discussion on item 5?

**Mr. Laughren:** Mr. Chairman, if it's in this ministry, when will we discuss the proposed road to Maple Mountain?

**Hon. Mr. Bernier:** It has nothing to do with us.

**Mr. Laughren:** What, is this the wrong ministry too?

**Hon. Mr. Bernier:** I can tell you there are no plans in this ministry.

**Mr. Laughren:** Well Mr. Chairman, the only reason I asked that question was so I could get support and get the member for Timiskaming (Mr. Havrot) to back me up on my question.

**Mr. Chairman:** Item 5 carried?

Item 5 agreed to.

Item 6, land and water classification.

**Mr. Haggerty:** Yes, I want to ask the minister—

**Hon. Mr. Bernier:** Could I give you a list of the expenditures? That would just tie you in on what it is. Land use co-ordination, \$740,000; surveys and mapping come under this particular vote; the Ontario Geographical Names Board.

I think it's appropriate, Mr. Chairman, if I could announce that the committee that was established to review the naming of previously numbered and lettered townships

in Ontario has completed its report. I believe Mr. Stokes was a member on that—and who else?

**An hon. member:** John Lane.

**Hon. Mr. Bernier:** John Lane and Mr. Rhodes.

**Mr. Stokes:** Dick Smith and Ed Havrot.

**Hon. Mr. Bernier:** It was an all-party committee. This committee has been under the chairmanship of John Lane, replacing my former parliamentary assistant John Rhodes since he took over the responsibilities of Minister of Transportation and Communications. The members of the resources development committee will be pleased to know that townships are to be designated recognizing the following members of this committee. They will get a scroll and a township dedicated to them.

**Mr. Haggerty:** All the land goes along with it too, eh?

**Hon. Mr. Bernier:** Their names will go down on the maps of this province and of this country as historical recognition of their efforts on behalf of the people of the Province of Ontario.

**Mr. Good:** Haggerty township?

**Hon. Mr. Bernier:** Mr. Beckett will be recognized with a township in his name.

**Mr. Chairman:** Order, please.

**Hon. Mr. Bernier:** Mr. Gaunt, Mr. Gilbertson and Mr. Good. But we'll be using his middle name, Royal. We couldn't use—

**Mr. Good:** I told them they couldn't use my name.

**Hon. Mr. Bernier:** Mr. Laughren will have a township named after him.

**Mr. Laughren:** Well I would hope so.

**Hon. Mr. Bernier:** Mr. Maeck, a very able parliamentary assistant who has taken over for Mr. Rhodes. Mr. McIlveen will also have a township named after him, as will Mr. Nuttall, Mr. Rollins. Mr. Root will have a township.

**An hon. member:** Root township?

**Hon. Mr. Bernier:** Mr. Wiseman. I regret that such important names as Allan, Evans, Haggerty, Hamilton, McNeil, sir; and MacDonald, Paterson, Sargent and Mr. Stokes; those names could not be used because they

were townships already named prior to the committee being set up.

**An hon. member:** There isn't a McNeil township.

**Hon. Mr. Bernier:** Yes there is. So in due course, gentlemen, you'll be getting a scroll.

**Mr. Foulds:** I should note, Mr. Chairman, that although the committee did not name a township after me, by my own request, they named one after my grandfather.

**Hon. Mr. Bernier:** Thank you very much, I didn't have that information here.

**Mr. Laughren:** Is there going to be one named Havrot township?

**Hon. Mr. Bernier:** There may well be, but I just thought I would relate to the committee members here tonight the townships that would be named after them. I hope that when the scrolls are presented the members will have them properly framed and passed on to their heirs for future recognition.

**Mr. Laughren:** It might be more appropriate to give a more affectionate term to the one you named after the member for Timiskaming. You could perhaps call it "hot rolls" township.

**Hon. Mr. Bernier:** Oh we give him all the recognition we can.

**Mr. Laughren:** All he deserves anyway.

**Hon. Mr. Bernier:** He is a great member.

**Mr. Laughren:** He is a great anti-labour member from Timiskaming; we know all about it.

**Hon. Mr. Bernier:** He delivered well at the last election.

Under this particular vote, as I said, are the Ontario Geographical Names Board; the new provincial survey and mapping programme, drafting and cartography; and also inventory. Under this particular vote is the continuing centre for remote sensing to which I alluded in my earlier remarks. The total amount of funds for this particular vote is \$5,534,000.

**Mr. Stokes:** Does that include surveying?

**Hon. Mr. Bernier:** Surveys are under this one, yes.

**Mr. Chairman:** Mr. Haggerty.

**Mr. Laughren:** This will be friendly, Mr. Chairman.

**Mr. Martel:** A tête-à-tête.

**Mr. Haggerty:** This takes in the control of lands along the Great Lakes system. This deals with the removal of sand under the Beach Protection Act, does it?

**Mr. Chairman:** That is in item 7.

**Mr. Stokes:** Under item 6, on the surveys; I have had a good deal of difficulty, though not so much with your lands branch. I have had more trouble lately with land surveyors than I get from lawyers, although heaven knows that is bad enough. These land surveyors are an entity unto themselves. Whenever something is challenged by somebody out on the street, you inevitably go to the surveyor general or the supervisor of your lands branch and say, "Were you aware that this thing was going on?" On one or two occasions I have even persuaded the good people in your surveys branch to go out and do an impartial survey to break a deadlock between one ministry and another ministry or something of that nature, and they have been very co-operative. I have a lot of trouble getting lands surveyors, not so much to go out and do the field work—they can get out and do that—but to transfer it onto a piece of paper and get a plan of survey and submit it either to your branch or to the lands and titles office. It is like pulling hen's teeth.

I am just wondering have you any idea how we might do something about that.

**Hon. Mr. Bernier:** Are you referring to the time problem?

**Mr. Stokes:** Yes.

**Hon. Mr. Bernier:** On getting surveyors to move more quickly?

**Mr. Stokes:** Yes.

**Hon. Mr. Bernier:** I'd say to you if there is a glaring problem with a specific land surveyor, then that organization or that association has its own disciplinary body which disciplines its own members. Very recently, I think you will recall, I had the honour of appointing two laymen to their disciplinary board.

**Mr. Ferrier:** Wilfrid Spooner was one.

**Hon. Mr. Bernier:** One was that former Minister of Lands and Forests, former Minister of Mines and former Minister of Municipal Affairs, Wilfrid Spooner from Timmins.

**Mr. Laughren:** Don't rub it in.

**Mr. Ferrier:** Great fellow!

**Hon. Mr. Bernier:** Yes, a great fellow. He served this province well and he is doing it still in this particular capacity. We also appointed a young lawyer by the name of Doug Crane who is, I might say, very able and knowledgeable of the problems that are experienced and to which you refer.

**Mr. Foulds:** Where is he from?

**Hon. Mr. Bernier:** Sioux Lookout. He is now practising in Toronto and the meetings are all held here in Toronto.

**Mr. Foulds:** I went to high school with him.

**Hon. Mr. Bernier:** They sit on a regular basis. If you have a specific complaint against a specific surveyor, then I would say you can write to these fellows and bring it to their attention. In fact, it is fair to say that I have already done it myself on one occasion just very recently.

**Mr. Stokes:** The one I have in mind was retained by your ministry to do the job.

**Hon. Mr. Bernier:** Is that right? There is a certain amount of intricate detail in preparing these surveys, a tremendous amount of paperwork must be gone through in the various steps of checking and rechecking and registration. It is a very complex route that has to be followed.

We try in our own ministry not to keep them any length of time, but we have to make sure they go through the proper steps and the proper channels. Once the thing is registered, of course, and the patent given, then it is there in perpetuity.

**Mr. Stokes:** Okay. There is only one other small thing I want to bring up, and you mentioned cartography.

On the maps that we have, particularly if you get them blown up, you will find there are a good many geographic—I don't know whether you would call them entities—but things that don't have a name. People put names on them by themselves and they are very difficult to identify. Somebody will write me a letter about "Nest Egg Lake" or something. I will ask: "Where is Nest Egg Lake?" And they will tell me it is in such-and-such an area. You can pull out a map and look half a day, but you'll never find it.

I am just wondering how diligently the minister is pursuing this question of getting all of these places identified?

On one or two occasions somebody has come to me and said: "My great, great grandfather did such-and-such there and it would be awfully nice of we had something named after him."

I was promised—and I haven't pursued this for about five years—but there is one name that comes to mind: Hardy. There are all kinds of them in the Nipigon-McDiarmid area; of course, one of them was among pioneers in the barging up Lake Nipigon for the building of the old Grand Trunk Pacific Railway. It was promised about five years ago that they would name a specific shoal after this fine old gentleman who made such a wonderful contribution; and I have heard nothing in five years. I don't propose to bring it up next year if I am still around here; but it was promised five years ago.

How diligently are you pursuing this and when can we get some action to get these things named; and in the process recognize some of these people who did make a significant contribution in years gone by?

**Hon. Mr. Bernier:** In 1968, by statute, a board was established called the Ontario Geographic Names Board. They meet on a regular basis to do just what you are saying; to name geographical features, lakes, streams and islands, unincorporated populated places, villages and settlements. They go through the process of registering the name of that particular feature, that lake or that stream. It is made up of seven members in total; four non-civil servants, an historian, a Cree Indian, a geographer and a linguist—whatever that is.

**Mr. Foulds:** A specialist in languages.

**Hon. Mr. Bernier:** There are three civil servants; and the surveys director, Mr. Code, is a member of the board. I would suggest that if you have a site, an island or a point of land that the public are familiar by a certain name, such as "Bernier's Island," you refer the name to the Solicitor General and it will be included in their search and studies and may be incorporated in future maps.

I know in my own area on the route to Hay Lake—that's the east end of Lac Seul—there are points known as Ogoma Point, Bare Narrows and Chamberlain Narrows. You won't see those names on an ordinary map, but they are common names in that area. Everyone who goes up there refers to a particular area as Chamberlain Narrows. These names are being incorporated into maps on a regular basis. I know that the list that comes over my desk on a regular

basis is quite lengthy; if you have some just let us know and we would be glad to incorporate them.

**Mr. Stokes:** Good; thank you.

**Mr. Chairman:** Carried?

**Mr. Newman.**

**Mr. B. Newman** (Windsor - Walkerville): I wanted to ask the minister if there is any shoreline mapping in the flood plains being undertaken in this vote?

**Hon. Mr. Bernier:** Maybe Lloyd can answer. Mr. Eckel is the director of the lands branch—executive director?

**Mr. L. H. Eckel** (Executive Director, Division of Lands): Executive director, yes sir. In the land co-ordination branch there is a mapping programme to delineate hazardous land; those areas that are subject to flooding or erosion of some kind. This is land that it would be hazardous to build on or to conduct any development on. In that branch there is a programme now to map this land; and this mapping is available to the Ministry of Housing and municipalities.

**Mr. B. Newman:** Have you actually conducted any flood plain mapping in the Essex county area?

**Mr. Eckel:** Perhaps the branch director, Bob Bugar, could handle that specific question. Bob?

**Mr. R. J. Bugar** (Director, Land Use Co-ordination Board): Mr. Chairman, on that specific area, the hazard land mapping has not been completed, but it is included in the programme that is being carried out.

**Mr. B. Newman:** Okay, thank you.

**Mr. Good:** Do you do it with the conservation authorities then?

**Mr. Eckel:** The mapping I referred to is for the entire ministry, including the conservation authorities.

**Mr. Chairman:** Mr. Root.

**Mr. J. Root** (Wellington-Dufferin): Mr. Chairman, Mr. Minister. It just occurred to me that while I am really flattered you are naming a township after me, when you pick the township—and whether it be on one of those fine aircraft that takes me up there to have my picture taken—maybe a little later on I could have an opportunity to catch a nice big fish. I know some of your men know how to find very large pickerel.

**Mr. Foulds:** No poaching, John.

**Mr. Haggerty:** They tell me you are quite good at catching them, John, only they have to toss them to you.

**Mr. Root:** Oh they didn't toss them. I picked them up.

**Mr. Chairman:** Does this item carry? Carried.

Item 7; land, water, and mineral title or administration. Do you want to run over this first, Mr. Minister?

And Mr. Good is the first speaker.

**Hon. Mr. Bernier:** Yes gentlemen, just before we get into this vote; prior to the dinner break I mentioned I would bring back some photographs of the various aircraft that were used by the provincial air service over the last 50 years. These are available in limited quantity. If you want to just pass them around and have a look at them. You may want to send them to your schools or something like that.

**Mr. Martel:** Gee, I am broken-hearted. You didn't even name a township after me.

Interjection by an hon. member.

**Mr. Martel:** How can I live with myself? Oh, the embarrassment of it all.

**Hon. Mr. Bernier:** How come? Isn't your name on that list?

**Mr. Martel:** No. I'm really ruined, really ruined.

**Hon. Mr. Bernier:** Oh I am sorry, you are not on this committee.

We have some extra photos here. I think you'll find that very interesting. There are some more here.

**Mr. Martel:** They didn't even get my name right. I'm really insulted by you.

**Hon. Mr. Bernier:** I can say to you gentlemen, I would autograph those for you if I thought you wished.

**Mr. Martel:** We are not desperate.

**Hon. Mr. Bernier:** Elie, didn't you get your wings?

**Mr. Martel:** I didn't get wings; I didn't get named.

**Mr. Laughren:** Where is Bill Kelly's jet?

**Mr. Martel:** He can't have a jet. He's got to have one that lands on water.

**Mr. R. B. Beckett (Brantford):** What is the next vote?

**Hon. Mr. Bernier:** The total amount to be voted in this particular programme, Mr. Chairman, is \$13,233,000. It deals basically with the public lands branch and field land for assessment; garbage disposal problems on Crown lands—\$532,000, if you are interested. Also Crown land; illegal occupation and unregulated use, which Mr. Foulds would be interested in.

**Mr. Foulds:** I think I've got my name on the list already.

**Hon. Mr. Bernier:** The rehabilitation of pits and quarries on Crown lands.

**Mr. Martel:** Yes, that's what I want to talk about.

**Hon. Mr. Bernier:** Mining lands branch, land acquisition operations, interim property management and purchases; and also our payment to Treaty 9 of \$46,900, which is an annual payment under the treaty that was established years ago. We discussed that at some length last year.

**Mr. Foulds:** When did you sign that treaty, last year?

**Hon. Mr. Bernier:** No, this is an old one. This is an ongoing payment that we have with the—

**Mr. Foulds:** An annual payment?

**Hon. Mr. Bernier:** An annual payment, yes, of \$46,900.

**Mr. Foulds:** Would the amount stay the same?

**Hon. Mr. Bernier:** Yes, the amount is the same.

**Mr. Foulds:** What is the largest item in that \$13 million?

**Hon. Mr. Bernier:** It would be land acquisition of \$8,876,000.

**Hon. Mr. Bernier:** Just before we get into this, Mr. Chairman, you'll recall during the discussion of this ministry's estimates last year it was suggested we come out with a brochure for a guide on development in territory without municipal organization.

This refers to section 17 of the Public Lands Act. Mr. Stokes pointed out during the discussion at that particular time that many people living in the unorganized areas and on Crown lands were not fully aware

of the implications of section 17—what it did, how we implemented it and what regulations control it. We have come up with this brochure. You might want to have a look at it. We are giving it wide distribution when we move in and apply section 17.

**Mr. Chairman:** Mr. Good.

**Mr. Foulds:** On a point of order, Mr. Chairman. This pamphlet, at least as every work should do, should acknowledge the source of the idea, after 1975.

**Mr. Stokes:** He'll be minister after 1975.

**Mr. Good:** Thank you, Mr. Chairman. I'd like to discuss the ministry's involvement in the matter of the draft plan of a subdivision that was approved by the Ministry of Housing in December for 250 cottage lots on Nappan Island in the Trent River system.

**Mr. Martel:** I think you are out of order.

**Mr. Good:** Yes, after three days of that.

**Mr. Stokes:** Don't let them throw you, Ed.

**Mr. Good:** Regarding the recommendations for cottage development on this Trent River system—that's from Rice Lake to Lake Ontario, coming out at the Bay of Quinte—the last study I have shows there are two areas, marked "F" and "C" on the map, where there should be no development because of the fragility of the area. This study was made in 1970 on the lower Trent River region and was part of the conservation report at that time.

The Nappan Island area, shown in dark here, at that time was considered unsuitable for development. The council of Seymour township was later made aware of the recommendation by the ministry at that time and thought the matter was completely forgotten because of the adverse report. They had given no further consideration or thought about it until they were informed by the Ministry of Housing last December that a subdivision had been approved for 250 cottage lots on the island.

In reply to questions in the House, the minister said there were certain conditions attached to the approval of the subdivision. The development company, Troon Holding Limited, has the same group of directors as the consulting firm, Mr. R. H. McGregor and Myra McGregor, so the consulting firm that did the engineering and the development firm are one and the same people.

We talked to Mr. Hay, the clerk-treasurer of Seymour township, who has attended all

the meetings between the developers and the township. He said the township feels that it has been forced by the provincial government into accepting a subdivision plan, and that two professors were hired by the developer to carry out the ecological tests of the area. Mr. Hay said that the township had received no answers from them as to the outcome of the development in the area. The township people have also expressed the view, I believe, that they are being used as a testing ground without any thought being given to the possible outcome of the development.

We checked with the conservation authority in the area. The gentleman to whom we spoke said that they were not asked for, nor had they given, an opinion on whether or not draft plan approval should be given in this area. But Mr. Carter, the chairman of the Lower Trent River Conservation Authority, has stated that the view of the conservation authority has been that no development should be carried out in this area. I am personally at a loss as to how anyone could get draft plan approval of a subdivision without the approval of the conservation authority, especially when it is an island in the middle of a river that is part of the conservation authority drainage basin.

However, he feels their views have not been properly considered. Now, listen to this:

The proposed subdivision will be built in the midst of a natural animal sanctuary. There is abundant land and water wildlife in the area. One channel [which was one of the conditions set forth by the ministry], which will be dredged out for the construction of a bridge, is a fish migratory route.

The conservation authority does not believe that an animal sanctuary can remain intact, being located beside a 250-lot subdivision with a potential of 1,000 people. Canals will be allowed to be dredged which will have large ecological consequences in this fragile area. There is also a large possibility of erosional increase in the area by dredging, since the development site is located just below an area of very swift currents in the river.

I understand that before the dredging can take place—maybe the minister would correct me if I'm wrong on this—they will have to have a permit from the federal Ministry of Transport.

First of all, I'd like to know whether the ministry has made any other studies on this since 1970? There appears to be a reference

in the Campbellford paper that the reeve had been informed that a need study of the river in that particular area had been made by the Ministry of Natural Resources, I'm wondering if the minister has a report of any additional study made in this area since 1970.

**Hon. Mr. Bernier:** Mr. Chairman, I will ask Mr. Eckel, who is very familiar with all the aspects of this particular situation to go through the points one by one with you.

**Mr. Eckel:** As well as my comments, the director of the land use co-ordination branch, Mr. Bugar, may want to add some comments.

First of all, I think it should be made clear that subdivisions such as this are first proposed to the Ministry of Housing. Before that ministry makes a decision on whether to accept or reject them, ministries like Natural Resources are asked to comment.

**Mr. Good:** Right.

**Mr. Eckel:** The decision rests with the Ministry of Housing. In this particular case, the Ministry of Natural Resources examined this proposed subdivision in the light of the interests of the ministry and what values were likely to be lost as a result of the subdivision.

At the same time, it has to be borne in mind that there is a clear desire on the part of the public for cottage land and in some instances because of this desire there comes this agonizing business of trading off. Some things have to be given up in order to provide the cottage lots. In making our comments to the Ministry of Housing we attempt to have that trade-off made in such a manner that the values important to this ministry are not all sacrificed in order to provide cottage lots.

In this particular case we suggested certain things and got agreement from the Ministry of Housing that two points would be included in the conditions which would permit development.

One was that two areas of the proposed plan would allow modified shoreline improvement, and this modified shoreline improvement would have to be satisfactory to the Ministry of Natural Resources. Secondly, the applicant would produce, at his expense and to this ministry's satisfaction, an inventory of the plants, animals and fish in the area before construction begins. Further, he would monitor these resources and record changes in the plant and wildlife populations in the area for a five-year period and report these

to the Ministry of Natural Resources. When all the conditions of draft approval have been fulfilled to the satisfaction of the Ministry of Housing, approval is granted.

I may have missed some aspects of this in what I have said and perhaps I haven't covered some of the points you have made. If I haven't and Mr. Bugar wants to append, perhaps he could do that now before you ask any further questions. Bob, do you have anything?

**Mr. Bugar:** No, I can say nothing further.

**Mr. Good:** He has nothing further to say.

**Mr. Bugar:** I have nothing further pending more questions from the member.

**Mr. Good:** Let's take the conditions. I have three conditions here; they are Nos. 6, 14 and 15; so there must have been a lot of other conditions as well.

However, this condition No. 15 states that the applicant agrees to produce a five-year study at his own expense, to the satisfaction of the Minister of Natural Resources, which will encompass a pre-construction inventory of all the plants, animals and fish within the area which is the subject of the plan of subdivision. In addition, during the five-year period, he is supposed to monitor any changes in plant life.

Well what is the use of doing an ecological study and the effect on plant life and fish of a 250-lot cottage subdivision five years after the construction has taken place? If granting draft plan approval was conditional upon that, it sounds rather ridiculous that you should say we will do a five-year study and then let you know whether we want the ecology of this island interfered with.

The other condition deals with the provision of a 250-boat marina so that there will not be private docks. Now we are talking about putting 250 cottages on an island on which just three years previously your ministry said there should be no development.

Does this map make any sense to you? The areas marked in black are those designated for no development. Now, suddenly, without any word to the council that you reversed your decision, they find that the applicant has a draft plan approval of subdivision for 250 cottage lots. The people in the area, Mr. Minister, are very much concerned.

**Hon. Mr. Bernier:** Art, would you have any comment on that with regard to how the conservation authorities would be involved?

**Mr. A. D. Latornell** (Director, Conservation Authorities Branch): The conservation authority, as it relates to approval, has no power of veto or approval of a subdivision proposal. They can, just as Mr. Eckel said, advise the Ministry of Housing through our ministry but they don't have any power of approval or otherwise unless they can persuade the constituent municipality involved that municipal level approval shouldn't be given.

Any recommendation that might be in a conservation report is related to the authority's recommendation to a particular municipality because the authority itself has no power to approve or otherwise. This has to be done at the municipal level.

**Mr. Good:** Mr. Minister, someone must know whether there was another study done since this study that was the basis on which the recommendation was made for this draft plan approval. The draft plan approval was given last December, so somebody from this ministry, along with conservation and everyone else, must have made comments; because nobody gets draft plan approval without about 38 agencies commenting upon it. From what I can gather every agency gave a detrimental recommendation.

I'm just wondering if this ministry, since draft plan approval has been given, is going to follow it more strenuously now and see why approval was given in the light of that report. If there is a more recent report I would like to see it.

**Mr. Eckel:** On that point perhaps; Bob, did you have any more comments to make on the points that have just been made?

**Mr. Bugar:** Mr. Chairman, repeating a little bit of what Mr. Latornell has just said, the Ministry of Housing has the final approval authority, of course, for subdivisions. This ministry did not reverse its position or recommendation, which is all it can do in this kind of situation.

This ministry was asked for comments. The recommendation was made in the first instance, as you quite correctly surmise, and when it looked as though the Ministry of Housing would be interested in giving approval, then these conditions were appended to the approval. This ministry did not reverse its stand on this particular matter.

**Mr. Good:** So if you didn't reverse your stand, then that means you still go by your report which says there should be no development in the area. Now getting down to your conditions, it would appear from the partial information I have, which was sent through

the courtesy of the minister, three of the 15 conditions are listed here, and I'm at a loss to understand any one of the three.

The first condition is that areas 3 and 6, as shown in the plan, are to be allowed modified shoreline improvement to the satisfaction of the Ministry of Natural Resources. My understanding is that the island is very low. Of course I haven't had a chance to get down and see it yet. The island is very low to water, in some cases less than a foot above water, and you are allowing shoreline improvement in certain areas to build the land up. That, I suppose, if the project is going ahead, would have to be done.

But what, for instance now, is the philosophy behind allowing a 250-boat marina on the island? This means there is going to be one boat for each cottage, and they are going to be in one large area, which I understand is right in the midst of a very delicate location as far as the ecology of that whole part is concerned. None of this seems to fit into any of the former thinking or former planning. I'm just wondering how strenuously this ministry is going to pursue this to see what can be done.

Before I finish, I might just say one thing. A few years ago an identical situation existed at Walker Lake up in the Muskoka area, where a subdivision had been given draft plan approval and was brought to the attention of the ministry. There was an adverse report from the Ministry of Natural Resources which the Ministry of Municipal Affairs at that time said it had never received. That report was very adverse. The outcome of it was that the draft plan approval of about 100 and some cottages was cut back to about 80, and rightly so. The lake just couldn't support that type of development.

According to our information—we have spoken to various people in the area including municipal and conservation people—the people in the area are quite upset that somebody hasn't put a little pressure on TEIGA to take another look at this, even though they have given draft plan approval.

**Mr. Eckel:** As Mr. Burgar has suggested, the ministry certainly has registered its lack of support for the subdivision. But, as was mentioned before, the final decision doesn't rest with us. I also mentioned that in cases like this, and many others, there comes that time of painfully trading things off. I understand it was the decision to go ahead with this. It was our desire to try to modify the decision for subdivision as well as we could

in order to win some of the things that we considered important.

To go now to the specific conditions, perhaps Bob Burgar could elaborate on what we hope to achieve by the conditions set. But as I understand it, this was a desire on our part if the decision was to go ahead to subdivide, as to how we could modify that decision in order to win at least some of the things that we considered important?

**Mr. Good:** Do you have a list of all the conditions?

**Mr. Eckel:** I have them here. Do you want to elaborate? The point has been made now of what we hoped to achieve by some of them. I think perhaps we should explore them to the extent you desire.

**Mr. Good:** First of all let's start with this business about a five-year after the fact.

**Mr. Haggerty:** After the homes are built?

**Mr. Good:** Yes.

**Mr. Haggerty:** The marina's built.

**Mr. B. Newman:** The horses are stolen and close the garage.

**Mr. Burgar:** Mr. Chairman, the attempt is to establish before anything takes place specifically what plants and animals there are in the area. You're quite right, of course, in mentioning that there will be some change in these, obviously, as the cottages are built. We are attempting to find out, as accurately as we can, what change does take place so that we will have a better idea in the future, should similar proposals be made.

If I may attempt to explain the question of the two areas where we are suggesting only modified shoreline developments, as opposed to simply filling in the whole of the shoreline to a depth of 5 or 6 ft, which I imagine would be one of the proposals of the developer to get adequate drainage, we're attempting to save what we would consider the most fragile and important parts of the shoreline for such things as spawning and so forth.

The 250-boat marina, you should read as a limit on the marina construction. If the cottages followed the normal trend without any limits, I think that we would anticipate more than one dock per cottage. So we are attempting to have all the docks put in one place and limit it to one per cottage. Very briefly, that's the background of the three recommendations.

**Mr. Good:** Did the minister make any recommendation regarding the proposal that holding tanks would be used and a lagoon system for treatment of sewage be established on the low-lying highway? Would that happen since the land is too low even for septic tanks? Here is one place in the province where they are saying to use holding tanks. There are dozens of places where they won't even allow them. I mean, to me it looks as though all the rules that we've been living with and trying to develop within the province are being broken.

If I may just quote the last sentence here, then: "Representatives of government departments point out they will be keeping a close watch on developments, which have been termed a testing ground for the rest of the province." Is that really to be a test area?

**Mr. Haggerty:** They're testing all over the province.

**Mr. Good:** The people down there to whom we spoke said they feel as though they're being used as guinea pigs by allowing a development to go into a place that, for years, was generally considered to be a place where there wouldn't be any development.

It just isn't suitable for this kind of development. In closing, I don't want to belabour it any further, I would just ask if the minister would make additional representations to TEIGA and try to get more facts to reinforce his positions, because I just can't conceive of anyone getting an approved subdivision plan or 250 lots when this ministry has given an adverse report. It wouldn't happen in many other areas of the province that I'm aware of.

**Hon. Mr. Bernier:** I might ask the staff—are we aware that the plans are cast in marble? I mean, have we gone that far?

**Mr. Good:** No, just draft plan approval. It was given in December.

**Hon. Mr. Bernier:** Just draft plan approval. So we still have time then to go back and ask for a further review. We'll certainly take that into consideration.

**Mr. Chairman:** Mr. Martel.

**Mr. Martel:** Thank you, Mr. Chairman. I hope I'm not out of order.

**Mr. Allan:** So do we.

**Mr. Martel:** Well, I'll have to get your permission, Jim.

**Mr. C. E. McIlveen (Oshawa):** We'll let you know, Elie.

**Mr. Martel:** This deals with mineral title administration, so I presume it's safe to discuss the holdings of International Nickel and Falconbridge in Sudbury area. That's all right, Mr. Chairman?

**Mr. Chairman:** Go ahead. Proceed.

**Mr. Martel:** Thanks, Mr. Chairman. Mr. Minister, regarding this information which you supplied to me, I'm digging this up for a specific reason in the long haul, and I think it goes along with the recommendation which is going to come, hopefully, from the report of the advisory committee which will lead to mines not having the surface rights if they don't need them.

It has also been recommended by the select committee on economic and cultural nationalism that if you have mineral rights you don't need the surface rights, that the mining corporation should not have the surface rights as well.

My reason for asking for the information given in Sudbury is that they hold, though I haven't bothered to total it up, what I would suspect must be a couple of hundred thousand acres in the Sudbury area. Some of it is very good land which, if it were reverted to the Crown, could be turned over to the regional municipality of Sudbury and some excellent subdivisions developed. In the process, that would cut off the land speculator, so that he couldn't get his meathooks on it and we could develop land in the Sudbury area at a reasonable cost.

The Minister of Housing (Mr. Handleman) has agreed with that to some degree, as has TEIGA. I have had that confirmed. There are several obstacles. Some of those leases, as I understand it, do not expire until 1985. Most of the 21-year leases came out in 1964. There is also the patent land which they get for 50 cents an acre. Falconbridge has 10,195 acres for which they pay \$5,000, and it is patent land. Maybe I am wrong, but is there any way that that can revert back to the Crown or that the Crown can get that land back unless they surrender it willingly?

**Hon. Mr. Bernier:** Right now, yes, they must.

**Mr. Haggerty:** Unless there is an agreement there for that purpose.

**Hon. Mr. Bernier:** They can forfeit it because of non-payment of the mining tax.

**Mr. Martel:** In other words, if they wanted to continue to pay their all of 50 cents an acre, they could hold that patent land in perpetuity. That has simply got to change. Just listen to what Falconbridge Nickel has in patent land. In Balfour they own eight acres; in Blezard, 4,770 acres; in Bowell, 3,130; in Capreol, 2,669; in Cascaden, 2,348; in Creighton, 2,694; Denison, 4,130; Dowl- ing, 4,665; Drury, 3,381; Dryden, 1,151; Fair- bank, 224; Falconbridge, 10,195; Foy, 409; Garson, 2,431; and Graham, 3,145. The point I am making, and I could go on and read the rest of them, is that all that is Falcon- bridge.

**Mr. Haggerty:** That sounds like land spec- ulation.

**Mr. Martel:** That is just Falconbridge I am dealing with. If they have the mineral rights, that is fine. But it seems to me that they are never going to use 95 per cent of that surface land. The communities are deprived of it. If we want to establish even a dump site, we have to go to Falconbridge or Inco and ask them if we can have some of the property that they are holding in patent for that purpose. They don't need that.

They have only two open pits in the whole area. Why in God's name are we going to allow it? I don't think even your committee recommends taking that back from them. The little bit we get of 50 cents an acre is so miniscule that it would not even be worthwhile collecting. In fact, for some of the land that is perpetually renewable or held to 1989, we get as little as 10 cents an acre. For some we get 25 cents an acre, while for that which is in patent we get all of 50 cents an acre. That just can't be tolerated.

If they need the surface rights, sure, I would be the first one to say if you are going to open-pit mine, it is all right. But to allow them to tie up that whole Sudbury basin where they are mining 2,000 or 3,000 or 4,000 ft below surface is simply ridic- ulous. The select committee has recom- mended that that not be allowed in future.

In fact, in recommendation No. 5, the committee recommends that:

To the extent possible and consistent with determinations in regard to foreign owner- ship of land, the policy and practice in respect to surface rights in connection with mining be developed to accommodate a variety of uses simultaneously, including public access for recreational purposes.

And that's not possible.

**Mr. Haggerty:** Are the minerals at the surface at all?

**Mr. Martel:** No. They are 2,000, 3,000, 4,000 ft below surface. That's what I'm say- ing. I'm not interested in the open pit mine or where it's very close to the surface. We know in the Sudbury basin, and particularly out in Valley East and other townships, it is very far below the surface. Surely to God, in this day and age, we can't allow them to tie up that much land for 50 cents a year per acre, and some of it only 10 cents.

That's the second question: What are we doing about the 10 cents an acre and the 25 cents an acre that they are getting away with? That's highway robbery. It's not as though we are talking about companies that are bankrupt, by any stretch of the imagina- tion.

What has happened in the Sudbury area is that in many places we have been forced to build on the rock, at tremendous cost. And yet we move out to the basin and we move out beyond the confines of the city of Sud- bury and you see everything tied up. I just listed some of Falconbridge's holdings. Listen to some of the holdings of Inco. They make even little old Falconbridge look miniscule. I'll just pick some of the larger ones. Lessard, 11,920 acres; Capreol, 8,425 acres; Creighton, 15,000; Denison, 13,000; Fairbank, 10,000; Lumsden, 12,000; Morgan, 11,000; Snider, 14,000. They don't use it and they just don't pay enough for us to let them have it.

Now, the first question: What does the ministry intend to do? Are we going to try and get it back from them and put it to use for the communities, except where they in- tend to sink a mine?

**Hon. Mr. Bernier:** Well, Mr. Chairman, if I can just comment briefly. The patents and fee simple, as the member is aware, were given to these mining companies years ago, about five or eight years ago.

**Mr. J. McGinn** (Director, Lands Adminis- tration Branch): It stopped, Mr. Minister, in 1964.

**Hon. Mr. Bernier:** In 1964 we stopped giving patents to mining claims and mining rights. They are all given on a lease basis now. When the renewal does come to us they have to show good cause why the lease should be renewed. As we move ahead with a review of the Mining Act in Mr. Rhodes' committee, that is one area we are going to look into because he's come up with what

I think is an excellent recommendation: that 50 cents an acre be charged to all those lands that are being held, if you want to keep the mining rights. Now, ACR is a good example. They hold literally hundreds and hundreds of acres—

**Mr. Stokes:** Hundreds of thousands of acres.

**Hon. Mr. Bernier:** —hundreds of thousands of acres, and they have the mining rights, not contributing one cent to the people of the Province of Ontario. And that recommendation that Mr. Rhodes came up with in his committee, caught my imagination. That's one area that we are going to look at very carefully because it's—

**Mr. Haggerty:** Even 50 cents an acre is dirt cheap, isn't it?

**Hon. Mr. Bernier:** Well, it would bring something like \$18 million or \$20 million of extra revenue into the provincial coffers, at 50 cents an acre. So, it's quite a handsome—

**Mr. McGinn:** Consumers' Gas—they pay more than \$14 million—

**Hon. Mr. Bernier:** \$14.5 million, sorry.

**Mr. Allan:** They were individual leases.

**Hon. Mr. Bernier:** Yes.

**Mr. Martel:** Most of the land, however, in the Sudbury area is not held by these. It's all held by Tottenham.

**Hon. Mr. Bernier:** Yes. I don't think the province would want to break faith with those agreements that were entered into years ago. They are patents. I think that's been the strength of the government, in honouring those agreements. A deal is a deal, and to go back on that at this point I don't think would be right. But I do think that they should contribute fairly, at today's rate. And this is what we are going to look into in the next few months as we examine the recommendations Mr. Rhode's committee has made.

**Mr. Haggerty:** I imagine there would be a clause in that patent saying that you had to bring that land into production?

**Hon. Mr. Bernier:** I am not aware of that clause. Mr. McGinn, is there a clause saying that the mining claims—

**Mr. McGinn:** Excuse me, Mr. Minister, what was the question again?

**Hon. Mr. Bernier:** Is there a clause in the patents that the property had to be brought into mineral production before a specific period of time?

**Mr. McGinn:** At the time that the patents were issued under the Mining Act to mining companies and others, what happened was that they had to do a specific amount of assessment work, then buy the land for so much an acre and obtain patent or title to it. There is no requirement in title that they had to do further work or to find a deposit in order to obtain title. They had to do a specific amount of development work before they received title.

**Mr. Haggerty:** On that land, though?

**Mr. Martel:** Yes. I am not trying to bilk them out of the mining rights that they have established, but I am saying that there are at least 200,000 acres tied up in surface rights. Is it not possible to enter into negotiations with them and say, "You don't use the surface rights, you have no intention of using the surface rights, and we as a province intend to separate surface rights from mineral rights. Where you need the surface rights, fine, but where you don't need them we just don't think that you should be able to tie that land up in perpetuity?"

That seems to make sense for a whole host of reasons—recreational reasons, for construction reasons, for reducing the cost of land to people in the Sudbury area—and it should be applied not only in the Sudbury area but across this province.

**Mr. Stokes:** You could up the assessment where it is not used for productive purposes.

**Hon. Mr. Bernier:** Yes.

**Mr. Martel:** There must be a way out there. Do you know what they are doing? They are now selling lots which they got dirt cheap, Nickel Basin Holdings. I had a man phone me last week, and for a piece of property which he got, which was Crown land which belonged to Inco, in fact Inco wants \$6,000. That's a regulation lot. My colleague wants to speak on the item and I am not going to steal his thunder. That was in Garson, \$6,000 for a building lot. The house is already on it. They told the guy, "Come up with the money or else." They never came close to paying \$6,000 for it. Even if it is serviced they have written it off for tax purposes.

But to me, to get those rights tied up and then to be selling a lot which they maybe paid—well, Mr. McGinn has gone; I wouldn't

mind knowing what it was going for an acre at the time that they purchased the land in Garson township. I would suppose it would be going dirt cheap. They are making a bonanza out of it. I am saying that they purchased the land for mining purposes, put some houses on it, or opened up some lots, wrote it all off over the years, and now are selling at \$6,000 not for an acre but for a building lot, and I understand you get about four lots per acre.

**Hon. Mr. Bernier:** But the land speculation tax is certainly going to be instrumental in curbing some of it really.

**Mr. Martel:** Yes, but it is the principle that bothers me, Mr. Minister. They got the land for next to nothing, very, very cheap, and they have paid a miniscule amount of tax—10 cents an acre for some of it and 25 cents an acre up until a couple of years ago, and I guess it was in 1969 or 1970 that the government increased it to 50 cents an acre—and here they are selling it, the beggars, at \$6,000 a lot. You talk about principle; they don't have a lot of it.

I am saying that we must separate the mineral rights from the surface rights. Let them continue to have the mineral rights for their mining purposes—that's not going to hurt them—but let us, as the Crown, get the land back, in any of the municipalities involved. I see Mr. McGinn is back, or maybe he was at the end of the table and I didn't see him. He might be able to tell us what they paid for an acre in those days.

**Hon. Mr. Bernier:** I think that Mr. McGinn pointed out, that while they didn't pay so much an acre, there were certain requirements that they had to live up to.

**Mr. Martel:** Yes.

**Hon. Mr. Bernier:** And they paid, of course, the rate of tax over the years. And if they belonged to an organized municipality, then property tax, of course, would be paid. So over the years they have paid, and those taxes were maintained over that number of years. I think they have a certain amount of value in it. The principle at this point in time could be changed. I think there is a whole new thrust now with regard to the holding of land that wasn't there five or 10 years ago.

**Mr. Martel:** But it is not in this report either and that is what bothers me. We should divide the two, and make it very clear in the terms of negotiation that if you

need the surface rights for your operation, we understand. I will give you a good example of what happens.

The Ministry of Transportation and Communications wants to build a road from Highway 144 to Highway 17 west. Because we can't cut through there anywhere—Falconbridge owns a 7,000 ft strip, and it is going to mean, I think, an additional four miles of road because it owns the surface rights as well—it seems to me perfectly logical—and they know exactly where the ore bodies are—to get Falconbridge to put an overlay to see where there is a possible route. If there isn't one, then fine. And if there is, we shouldn't have to build an additional 4½ miles of road.

**Hon. Mr. Bernier:** But that ministry could have expropriated that property for public needs.

**Mr. Laughren:** Can I jump in here and give you some assistance, Mr. Martel?

**Mr. Haggerty:** Mr. Martel is a big wheel up in your area.

**Mr. Stokes:** He said he would be calling on you.

**Mr. Laughren:** The point is when that new road was going through, whether he is talking about the addition to the existing highway or a new bypass, the ministry's representatives said to the local residents: "Now, if we decide to go this route we will have to expropriate you." But then they said to the International Nickel Co. Ltd.: "Now look, if you are going to use that land let us know so we can change the direction of the highway."

A different set of rules applies for International Nickel than for the local residents. Another point is that there is the possibility of expropriating about 20 or 30 homes, and yet the entire route—at 4½ miles Elie is being conservative—

**Mr. Martel:** No. God, no!

**Mr. Allan:** We don't want that.

**An hon. member:** That will never be.

**Mr. Martel:** With a small "c." A very small "c."

**Mr. Laughren:** You weren't supposed to take the bait on that one. It involved more than just 4½ miles of road crossing between two highways. It involved moving the whole bypass another four or five miles as well.

It is not a matter of being able to expropriate International Nickel. The point is they can't.

**Mr. Martel:** But you see the principle is that—I sat on the select committee and we studied land for well over a year. The pressures for land, and I want to discuss that a little later on in another context, with 100 million Americans directly to the south of us, is going to be great.

**Hon. Mr. Bernier:** It is great now.

**Mr. Martel:** It is great now. And you people aren't bringing enough land on-stream right now for cottage or recreational purposes. You simply aren't. And because of that, it is driving the cost of land up tremendously. Land for recreational purposes went up as much as \$400 a lot last year because of the crazy system you people have of auctioning rather than using a lottery or some other system.

**Hon. Mr. Bernier:** I am sorry the member wasn't here when I announced that we were going into a lottery system.

**Mr. Martel:** Fine. But it drove it up last year, regardless.

**Mr. Laughren:** Everywhere.

**Mr. Martel:** It drove it up \$400 in the Parry Sound area for a leased lot per year. We simply can't get enough land on-stream, so the pressures are ever going to mount. And what is it that the mining industry holds in the province? Probably 1.5 million acres, some of it good land.

I see nothing wrong with us entering into negotiations and changing the ground rules, as long as the companies are protected in terms of their needs, to meet the needs of the people of Ontario. I don't think they would resent it very much. I really don't. You might get a little flak at the beginning, but when they realize that their interests are protected—or as my colleague suggests, put a tax on it if they are not going to use it.

**Hon. Mr. Bernier:** I think it is fair to say that years ago land was relatively cheap. There were many farms, even in my own area, given as homesteads to the returned soldiers after the First World War. So that that price was negligible. But today that land is very valuable.

**Mr. Martel:** Right.

**Hon. Mr. Bernier:** I think the same principle applies. At that point in time they were paying the going price of the day. But now that inflation has come on and a greater demand than we've ever seen in our history is being applied to land, of course the prices are going up. Land is something they're not making any more of, really; it's there.

**Mr. Martel:** That's right. But as I say unless you change the rules of the game slightly in the Sudbury area we're really in a bind. I suspect if I were to total this amount of land, we're talking about 250,000 or 300,000 acres. As I say, they've got one open pit, I believe it's 18 acres, and one that's somewhat smaller, besides their plants at Copper Cliff, Levack and Garson. They don't need the surface rights and I don't think they're entitled to them.

I hope the minister, with his staff, would look at this and set up a new ball game.

**Mr. Haggerty:** Have they ever taken any core samples within the area?

**Mr. Martel:** It's all been tested. They know where—

**Mr. Haggerty:** They know where it is?

**Mr. Martel:** They know where it is; you want to believe it.

**Mr. Haggerty:** It's 1,000 ft or so down below? The member for Sudbury raises a good point here.

**Hon. Mr. Bernier:** It's a point.

**Mr. Ferrier:** He always does.

**Mr. Haggerty:** You're quite right; I have to agree with you on that. Looking at the Sudbury area they definitely do need land for housing there and if they've got that number of acres around there—I suppose this is good building ground?

**Mr. Martel:** Some is good building ground; some isn't. I'm not saying it's all good.

**Mr. Haggerty:** Around Capreol it's not too bad around that area.

**Mr. Martel:** They're out that far.

**Mr. Haggerty:** They are out that far?

**Mr. Martel:** They're out that far. They're all through the basin; all through Valley East. At Blezard alone they own 11,000 acres.

Interjections by hon. members.

**Mr. Haggerty:** It's good home building land there and it should be looked at.

**Hon. Mr. Bernier:** It's not just Inco. There are a lot of smaller companies and even individuals who have title.

**Mr. Martel:** That's right. There are a lot of—I'm not saying it's something you apply to just the Sudbury basin. I think we could apply it right across Ontario.

**Mr. Haggerty:** I would suggest the minister look at the patent and see what reservation limitations apply to that. Probably there are some you could catch them on or make them—

**Mr. Martel:** I don't want to catch somebody on it. I think we simply move in with some policy and not try to catch somebody. We just say "The ball game is going to change a little to meet our needs and it will serve your purpose."

**Hon. Mr. Bernier:** If there's a public need, as I said earlier, there are certain routes which can be taken.

**Mr. Martel:** But that is long term. One starts expropriation proceedings to prove a necessity; the whole thing could take years as you know. Some individual or some small community is not about to start expropriation procedures. Can you see the city fathers starting expropriation proceedings against Inco? They would have a battery of lawyers from here to New York and back to defend them. I don't want to do it. I want the government to change the rules a little bit and it seems to me to be a legitimate request in the face of our needs.

That's the first point I wanted to discuss. I wanted to discuss—and I asked permission for this for Mr. Allan's sake—when we started out yesterday I asked where we could discuss Mr. Szwec's problem.

I had a letter from you today on it and I'm not satisfied with the answer. Let me detail Mr. Szwec's problem very quickly. Mr. Szwec, I guess, squatted on some land for some number of years and, ultimately, in 1943—

**Hon. Mr. Bernier:** You mean illegal occupation?

**Mr. Martel:** No, it changed. In 1943—

**Mr. Laughren:** You had better tell him to put water in his house tonight.

**Mr. Foulds:** Has he got a fire extinguisher?

**Mr. Martel:** In 1943 he received letters patent for the land. I'll just read part of a letter from his solicitor:

Under a lease with Mr. Szwec dated May 1, 1959, Pagnutti Sand and Gravel Ltd. and their predecessors have used a private road constructed in 1953 on Mr. Szwec's property to obtain access to a gravel pit north of Mr. Szwec's property. This lease terminates on May 1, 1974, and Mr. Szwec made it clear to Pagnutti Sand and Gravel Ltd. that he would not renew or renegotiate the lease agreement.

Some time in the fall of 1973, your department entered into negotiations with Mr. Szwec to exchange the property over which an alleged old public road goes across Mr. Szwec's property for private road construction, or constructed in 1953. Given the time of these negotiations, it appears this was done at the request of Pagnutti Sand and Gravel. Mr. Szwec has always denied the existence of such a road, and certainly this road has not been in use since 1930. Therefore, Mr. Szwec has declined the offer to Pagnutti.

This letter, by the way, is addressed to the ministry.

Your ministry's conclusion that an old public road exists on Mr. Szwec's property is primarily based on a survey dated 1929 by Cavanaugh. My examination of the survey leads me to conclude that the survey is at the very best ambiguous as to the existence of an old public road. It does not appear under that authority the survey was made, whether or not it is a map of existing roads, and whether or not these roads are public roads.

Well, Pagnutti Sand and Gravel, some weeks ago, apparently received permission, and started to construct a new public access, not private, on behalf of the Crown.

Well, that was generous of Pagnutti. I have to admit his generosity was great. First of all, he is building a new road. He is not using what was there before. Brand new! I have never known the Crown to allow people to build public roads, but your solicitor's reply was that it was just fine.

**Mr. Stokes:** You mean the licence of occupation?

**Mr. Martel:** The patent of the land belongs to Mr. Szwec and Mr. Pagnutti, in fact, is building a road of his own across Mr. Szwec's property. I just can't believe that this prov-

ince allows someone to cross and build a new road on Mr. Szwec's property.

There was a road there, apparently, designated in 1929, but since when does the Crown have public accesses built for them by private individuals? That is what really bothers me about this. In fact, the lawyer agrees there should be negotiations and that Mr. Szwec somehow should settle with Mr. Pagnutti, but that broke down all the negotiations because Mr. Pagnutti doesn't even have to negotiate with Mr. Szwec any longer.

Szwec is an old gentleman living on the \$1,000 a year he was getting for the use of the road. His negotiating power has just disintegrated because we as a province allow public accesses to be built by private corporations. I have never seen it done any other place.

Now, I don't know the province very well in those terms, but I have just never seen it happen, at least in my area. And because your people suggest that they can't find any precedent against someone making this magnanimous offer to build us a public access, they conclude that Mr. Pagnutti is free to continue to build the road. That is a lot of nonsense.

**Hon. Mr. Bernier:** We had some legal opinion on that, and if you have a copy by you there—

**Mr. Martel:** I have a copy of the legal opinion and it disturbs me.

**Hon. Mr. Bernier:** On the one hand, to rationalize your arguments just a moment ago, you said that we should discount all the agreements that we have been into with our patents with the mining companies, even though these were firm, legal, rightful patents, entered into at that particular day. You want us to wipe out that and change our policy. In here, now, you want us to be firm and honour that particular contract.

**Mr. Martel:** Oh well, I am glad the minister said that.

**Hon. Mr. Bernier:** On one hand you say, "Take it back," and on the other you say, "Be firm." So you have two different arguments.

This particular matter was very carefully gone over by the solicitor. They passed a ruling on it. I believe the road was surveyed, if I recall correctly—

**Mr. Martel:** There was a road survey but he is not using that road. He is not using that

survey. He is building a complete new road, not on the same site even.

Secondly, to catch your argument then, you have committed yourself. If you are going to allow Pagnutti to do that, then what you are saying, in fact, is that it is fair to change the rules of the game with respect to the mining companies. I presume that is what you are saying.

**Hon. Mr. Bernier:** You want us to be firm in one case and—

**Mr. Martel:** No, no. I'm not asking you to break agreements with mining companies. You are being firm with respect to Inco and you claim you won't change the rules of the game. But, you allowed them to be changed with Mr. Szwec. What I am saying conversely then, is you are willing to be flexible in dealing with Inco and changing the name of the game.

**Hon. Mr. Bernier:** That is not the case at all. I never said we would be firm—no firmer than we are with anybody else. We treat everybody the same. We are being firm with this fellow. We are being firm with Inco. A deal is a deal.

**Mr. Martel:** The analogy is not the same and you know it and I know it. We are talking about two vastly different ball games. Mr. Szwec owns the land. Mr. Pagnutti is building an entirely new public road across his land, and doesn't follow the survey at all. I want to know since when is it that the Crown allows private individuals to build public roads? I always thought that was a responsibility of the government to build public roads and not private individuals.

**Hon. Mr. Bernier:** Well, certainly if somebody wants to come along and make, as the member said, "a magnanimous offer," then why not accept it?

**Mr. Martel:** The magnanimous offer is for him to get to a gravel pit.

**Hon. Mr. Bernier:** I'm told that Pagnutti is building the road on a right-of-way survey on the original patent.

**Mr. Martel:** That is wrong. And that is where your ministry is wrong. Mr. Pagnutti is in fact building an entirely new road.

**Hon. Mr. Bernier:** On the surveyed area?

**Mr. Martel:** Across the surveyed land, but not on the same route. My information from the lawyer is that it is not the route. They

would have to go through his front door almost to follow the route.

**Hon. Mr. Bernier:** It is the original surveyed right-of-way?

**Mr. Martel:** That's right. My understanding is that he is not following that.

**Hon. Mr. Bernier:** Well, my information is that he is.

**Mr. Martel:** Well, we'd better have it investigated then.

**Hon. Mr. Bernier:** Okay.

**Mr. Martel:** You will do that?

**Hon. Mr. Bernier:** Right. We'll do that.

**Mr. Martel:** And if he's not going on the original right-of-way, then you will stop the construction?

**Hon. Mr. Bernier:** You see, the original road was not on the original surveyed route.

**Mr. Martel:** Well, where did it come in, because it was only surveyed in 1929?

**Hon. Mr. Bernier:** The information I have is that the former road was not on the original survey. It crossed the lot somewhere else. Now, it's being constructed on the surveyed right-of-way. It is the proper place where the road should be.

**Mr. Martel:** Right. But you should build the road.

**Hon. Mr. Bernier:** Not necessarily. If you have someone who wants to do it, make that generous offer, make it available to the public—why not?

**Mr. Martel:** Mr. Minister, the only "public" that is going to use it to get to the gravel pit is going to be Mr. Pagnutti. It goes a mile—not even a mile—off the highway directly to the gravel pit. Now, the public isn't going to use that road. You know it and I know it. Mr. Pagnutti is building the road for himself; pure and simple.

**Hon. Mr. Bernier:** I'll check to see if the road is on the surveyed area or not.

**Mr. Martel:** Right.

**Hon. Mr. Bernier:** I think that is the key point.

**Mr. Martel:** No, I think the other point prevails, too. Since when do people build public accesses for the province? Find me some other examples and I'll be pleased to

withdraw. Isn't it in the roads to resources that you pay a certain percentage?

**Hon. Mr. Bernier:** Yes, for mining companies.

**Mr. Martel:** Well, he is in the gravel business.

**Hon. Mr. Bernier:** We don't do it for gravel pits.

**Mr. Martel:** You don't do it for gravel pits?

**Hon. Mr. Bernier:** No, we don't. No, that's not considered a mining operation per se.

**Mr. Martel:** But this whole thing bothers me. I agree that Mr. Szvec should have negotiated and so does his lawyer. But he has decided not to. I don't know if he was holding out for more money, but any position he had from which to negotiate has now been destroyed because they are building a new road for him across his property. I think he might be out with a shotgun.

The other thing I want to discuss deals with land as well, Mr. Minister. It is the recommendations of the select committee on land use. I don't know if we want to discuss it under this heading—

**Hon. Mr. Bernier:** Yes, well that particular report is before the government now; I think I mentioned it to you before. There has been no policy decision made on those recommendations. The government has the committee's recommendations and are dealing with them. So, what can you say further than that?

**Mr. Martel:** Well, the government has decided. That's the unfortunate part, Mr. Minister. They flew in the face of the recommendations of the report. I want to—

**Hon. Mr. Bernier:** Well, just wait a minute—just because a committee makes a recommendation, it doesn't mean to say that the government has to accept the recommendation. We've argued on this issue time and time again.

**Mr. Haggerty:** Well, they accepted one.

**Mr. Martel:** But I wanted to get this—

Interjections by hon. members.

**Mr. Martel:** I'd like to get the minister on the record as to what—

**Mr. Stokes:** Especially that one on mining in provincial parks.

**Hon. Mr. Bernier:** Yes. That's right.

**Mr. Stokes:** I think they threw that in just to get—

**Mr. Martel:** I would like to get the minister—

**Hon. Mr. Bernier:** The ink wasn't dry on that report when we made sure that—

**Mr. Stokes:** They put in something they knew you wouldn't agree with.

**Hon. Mr. Bernier:** There were a few other things that we might not agree with.

**Mr. Martel:** I'd like to get the minister's response, though.

**Hon. Mr. Bernier:** That is my advisory committee.

**Mr. Laughren:** What about recommendation 50?

**Mr. Martel:** I would like his own personal opinion on some of these—the one with respect to a surcharge to non-Canadians resident in cottage country. There is a 50 per cent surcharge over and above the municipal tax so that in fact these people who bring everything in but the kitchen sink and who don't pay income tax to this country or don't pay very much in provincial tax and where services are provided for them, that in fact they pay a certain surcharge to meet the costs that the municipalities are forced to incur.

It was interesting that your colleagues, Mr. Minister—four of them, to be exact—Messrs. Kennedy, Newman, Rowe and Walker, made the following observations when we suggested a surcharge: "In our view, it would be improper to levy a surtax of the sort proposed on non-resident taxpayers. Non-resident land-owners are, in effect, tourists who, when visiting Canada—"

**Mr. Chairman:** I think you are out of order, Mr. Member. That is a committee report which will be debatable in the House.

**Mr. Martel:** I am sorry, Mr. Chairman, that's absolute nonsense. This is not a report which will be debated in the House. We're talking about land, water and mineral title administration.

**Mr. Chairman:** That is a select committee report. You have all kinds of opportunity to debate that in the House.

**Mr. Martel:** I'm not debating the report. I'm just stating a specific section which deals with natural resources.

**Mr. Laughren:** I think Mr. Chairman is out of order.

**Mr. Chairman:** No, I'm not out of order.

**Mr. Martel:** You certainly are.

**Mr. Laughren:** Challenge his ruling on it.

**Mr. Martel:** I'm sorry. I'll back off when I'm wrong as I did earlier this evening but I don't intend to now. It's as simple as that.

**Mr. Chairman:** You're discussing a select committee report.

**Mr. Martel:** That's right. I'm discussing a select committee report which is a public document.

**Mr. Chairman:** You can discuss it in the House.

**Mr. Martel:** That's nonsense. This is the House. This is merely an extension of the Legislature.

**Mr. Chairman:** Land, water and mineral title administration.

**Mr. Martel:** That's right. Land, water and minerals, and I'm talking about land. And this is an extension of the Legislature. It carries with it the same functions when discussing estimates as would be discussed in the Legislature, in the same manner, and what you're saying is, it's different out here than it is in there when you're discussing estimates.

**Mr. Chairman:** No, but this is the estimate of land, water and mineral title administration.

**Mr. Martel:** And that's precisely what I'm talking about, land.

**Hon. Mr. Bernier:** That is a government policy that hasn't even been—

**Mr. Martel:** Well, that's fine.

**Mr. Foulds:** He's suggesting it is a policy.

**Mr. Martel:** That's fine. We've talked about all kinds of things that should be suggested and debated in various estimates. Since when does this one not rate? Because it's a little embarrassing?

**Hon. Mr. Bernier:** Not at all.

**Mr. Martel:** Well, it is embarrassing because—

**Hon. Mr. Bernier:** I'm surprised that the other members of the committee are not objecting to your wasting so much time.

**Mr. Martel:** I don't think I'm wasting time.

**Hon. Mr. Bernier:** Let's be honest. At this point I'm not going to comment on those recommendations. You asked me to make some personal observations which I don't intend to.

**Mr. Martel:** You have been known to make them in the past on studded tires and so on, Mr. Minister.

**Mr. Foulds:** Even on the budget before it was announced.

**Mr. Laughren:** On the right of the population, all sorts of things.

**Mr. Martel:** Do you recall those comments on studded tires?

**Mr. Chairman:** This is entirely out of order. Where do studded tires come into land, water and mineral title administration?

**Mr. Foulds:** All-terrain vehicles, Mr. Chairman.

**Mr. Maeck:** Mr. Chairman, I don't think what Mr. Martel is speaking of has anything to do with our estimates.

**Mr. Chairman:** I don't think it has either.

**Mr. Martel:** Oh, it has. It is dealing with land.

**Mr. Maeck:** There is nothing about that mentioned in our estimates, and I think you should be discussing the estimates.

**Mr. Martel:** I think that is what I'm discussing—\$5,534,000; pardon me, \$13,233,000.

**Mr. Ferrier:** He's talking about land.

**Mr. Martel:** That is right. Land, water and mineral title administration.

**Mr. Maeck:** You should be discussing the policy of the ministry, not the ones that you are talking about.

**Mr. Foulds:** They're so bad we're suggesting others. They're perfectly legitimate.

**Mr. Martel:** There is one that deals with recreational land—

**Mr. Chairman:** We're discussing estimates of this ministry.

**Mr. Martel:** —and the right to levy a charge. I will be brief.

**Mr. Laughren:** You had better let him discuss this or next year we will make him critic and we can wait out for four days.

**Mr. Martel:** Finally though, Mr. Minister, a surcharge which would fall on non-Canadians who own vacation land in this country would be discriminatory. That was from four of your colleagues. Interestingly enough last week they voted on the tax, which was 20 per cent, I believe, for non-Canadians purchasing that land.

**Mr. Laughren:** That was a highly principled minority report.

**Mr. Martel:** Right. That was a dissent and then they turned around and voted for a discriminatory sort of policy in the bill which is being debated today in the Legislature. My concern is that in recreational land there have got to be ways to improve revenues for those municipalities. I'd like to elicit from the minister his personal observations. He comes from a town where—

**Mr. Haggerty:** A question, Mr. Chairman. Is he in order?

**Mr. Chairman:** I think he's out of order.

**Mr. Haggerty:** Well, then, let's get a decision on it.

**Mr. Chairman:** I'll call on Mr. Laughren.

**Mr. Foulds:** Mr. Chairman, you have to have a vote on it.

**Mr. Good:** I think we could solve this by saying that Philadelphia tied it up with 52 seconds remaining.

**Hon. Mr. Bernier:** Is that right? What's the score?

**Mr. Good:** Two-two.

**Mr. Allan:** Is that in order?

**Mr. Chairman:** That's in order.

**Mr. Martel:** Mr. Chairman, I want to also—

**Mr. Laughren:** Anything goes after that interjection.

**Mr. Martel:**—talk about the recreational land, again which is tied up not by mining, but in fact by the pulp and paper industry which, as you know, has large tracts of land which are inaccessible to the public. Many of them haven't been touched for years.

I think of the Matachewan area, where the Eddy forest has millions of acres of virgin timber: and it was a recommendation of the select committee that those lands should be made available for multiple use. Again, if you're operating them, fine, you

can't have people on the roads that the pulp and paper companies build for their large trucks and not expect accidents; I concur with that sort of approach. But, in fact, there is a great deal of recreational land that isn't available to the public because it is all tied up.

It seems to me that the ministry has to be in a position to respond to what it intends to do to make some of this land available on a multiple use basis to the general public, and I think that's a legitimate question to raise with the minister.

**Hon. Mr. Bernier:** The last one wasn't. I think this one is.

**Mr. Martel:** I would appreciate some sort of response as to what the ministry is doing with respect to opening up some of that land for recreational purposes.

**Mr. Stokes:** It is your stated objective.

**Hon. Mr. Bernier:** That's right, and we are moving ahead very aggressively on this, working with the paper company, because I think we have to recognize the fact that they themselves spend millions of dollars on road construction. And of course, they say to us, "If you want the public to use it, then you contribute." We have not a—

**Mr. Stokes:** Oh, no, the industry brags that this is their policy. There are one or two cases where there has got to be an exception, because of extreme danger. But generally speaking, they say, "We welcome multiple use of the resource roads, even though they are licensed to us". They say this.

**Hon. Mr. Bernier:** Well, we negotiated with Sturgeon Falls last year and we opened up 165 miles of forest access roads to the general public. It opened up a tremendous area where they had extracted all the wood resources and those roads were no longer of any use to them to the extent that they were in the past. It happens in my own area. Boise Cascade opens up its limits to the general public. Dryden Paper has never restricted the public from using its forest access roads. Great Lakes Paper is another one, as is Abitibi.

So it is narrowing down to a very few companies, and I can sympathize with their position. They are moving large trucks that have 8-ft or 9-ft bunks on them. The roads are not built to a standard to accommodate the type of public traffic that you and I appreciate. So there is that danger to the

travelling public in using these roads in conjunction with the forest access roads when the resources are being extracted. But after the resources have been extracted, then I can see opening them up to the public—and most of them are very popular, Mr. Chairman.

**Mr. Martel:** Well, I am not only concerned about the use of those roads to get in for hunting and so on, but some of those tracts where they exclude the public who are using some of them. As you know, most people in southern Ontario think that northern Ontario is just one vast place of beaches and prime recreational land for people; that just isn't the case. I presume that among some of the land that is tied up there would be some excellent cottage land.

**Hon. Mr. Bernier:** The land is not tied up; it is the access roads that they have built through their timber limits which they control. So they are not actually tying up the land.

**Mr. Laughren:** That's not quite true.

**Mr. Martel:** It is inaccessible to the public.

**Hon. Mr. Bernier:** You can fly in there.

**Mr. Laughren:** Who can fly in?

**Hon. Mr. Bernier:** It is still Crown land.

**Mr. Laughren:** But you know there are communities up there, where there are gates 50 miles apart, and you can't get in there to the communities. There was a case in the past year where a school bus went out with a load of children and when it came back in after the normal closing hour of the gates, they weren't going to allow the children back into the community. What kind of nonsense is that? That is not access to land, water or even their own homes.

**Mr. Stokes:** They should have dynamited the gates.

**Mr. Laughren:** They sure should have.

**Hon. Mr. Bernier:** You have to appreciate the position of some of these major companies that have a tremendous investment in those areas with resources. Careless people are moving in. Forest fires are caused and this type of thing.

**Mr. Laughren:** How about whole communities?

**Mr. Foulds:** We have a tremendous investment in those communities too.

**Hon. Mr. Bernier:** I don't think we can speak in generalities here, really.

**Mr. Martel:** No. I am saying if it is tied up, you have to protect the limits. But they have that by licence anyway. What I am saying is we have to consider mortgages to some of the better facilities which are available in those areas. The reason I say that—

**Hon. Mr. Bernier:** That is the principle of this ministry, really.

**Mr. Martel:** Yes, and it might be happening piecemeal. But certainly, if the committee is understanding it right, we had your people in and were told there were all kinds of problems. I think Mr. Giles was before the committee and certainly your solicitor was. We tried to get a handle on the problem. What we were simply trying to do was make use of mineral land which was held in patent by several companies, land which is held under licence by these companies.

**Mr. Chairman:** Order, please.

**Mr. Martel:** But at the same time, the public interest must be taken into consideration in both these fields. I just don't think we are trying as aggressively as we might, to make those facilities available to the people of the north and southern Ontario. As you have already admitted tonight, the pressures for land have never been greater, and there has to be an avenue to get to the millions of acres that are in the north, but in fact are virtually tied up. That is why you have to change the rules of the game somewhat, to make the land multi-use if that be the case. Otherwise we are restricting it to people who simply don't have places for recreational facilities. That is the point on both of these items

that I am trying to make. I am drawing on the studies of the select committee and trying to make the minister appreciate it. And he does. He is from the north. He appreciates the difficulty in getting with the business. We have a whole series of reports from this committee before the government that haven't been acted on and they have been out for a while. I understand the constitutionality of our reports is even being tested now. I was trying to elicit from the minister his response to meet the needs.

**Hon. Mr. Bernier:** We are as anxious as you are to open up as much Crown land as possible to the general public. After all, it does belong to the general public—

**Mr. Martel:** That's right.

**Hon. Mr. Bernier:** We are working in this direction. As I said earlier, we have negotiated with many of the companies. I have to repeat that most of them are very co-operative, really. They have certain problems that develop with regard to the public access and movement of resources, that interferes with the public using those roads in a specific period of time. We will just keep on working in that direction. We have no intention of lessening our efforts. In fact, I can say that we will intensify our efforts.

**Mr. Martel:** That last section, intensifying the efforts, is what I wanted to hear.

**Mr. Chairman:** We will meet tomorrow after the question period and we will adjourn at 12:15 o'clock. The minister has to catch a plane.

The committee adjourned at 10:30 o'clock, p.m.

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# Legislature of Ontario

## Debates

Ontario. Legislative Assembly

### ESTIMATES, MINISTRY OF NATURAL RESOURCES

Standing Resources

Development Committee <sup>57</sup>

Chairman: Mr. R. K. McNeil

OFFICIAL REPORT — DAILY EDITION

Fourth Session of the Twenty-Ninth Legislature

Friday, May 10, 1974

Speaker: Honourable Allan Edward Reuter

Clerk: Roderick Lewis, QC

THE QUEEN'S PRINTER  
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(Daily index of proceedings appears at back of this issue.)

# LEGISLATIVE ASSEMBLY OF ONTARIO

FRIDAY, MAY 10, 1974

The committee met at 11:20 o'clock, a.m.

## ESTIMATES, MINISTRY OF NATURAL RESOURCES (continued)

On vote 2202:

**Mr. Chairman:** When we closed last night, the following had indicated they would like to speak on this vote: Foulds, Ferrier and Stokes.

**Mr. F. Laughren (Nickel Belt):** And Laughren.

**Mr. Chairman:** And Laughren.

**Mr. J. F. Foulds (Port Arthur):** Jack will be in later on. He's over at the municipal liaison committee. He'll be over later.

**Mr. Laughren:** Straightening out the Minister of Energy (Mr. McKeough).

**Mr. Foulds:** Thank you, Mr. Chairman, I want to get into the whole business of the wilderness cabins. I wonder if I could start by asking the minister what the policy is at the present time. Has it substantially changed since the statement by the former minister, Mr. Brunelle, in the Legislature on Tuesday, Oct. 20, in which he said that fishing cabins built by squatters on Crown-owned land would no longer be destroyed without his approval? Has there been a change in that?

**Hon. L. Bernier (Minister of Natural Resources):** No, there has been no change in that at all.

**Mr. Foulds:** For the dismantling there has to be ministerial approval?

**Hon. Mr. Bernier:** Yes, there must be.

**Mr. Foulds:** Well, what is the policy? Let's start this way. How many documented wilderness cabins are there? How many have achieved land-use permits? What are the conditions under which a land-use permit is granted? As you probably can see, I'm leading up to finding out why, in this particular case, this particular cabin at Circle Lake was dismantled in the particular way that it was.

**Hon. Mr. Bernier:** Mr. Chairman, as I pointed out in the Legislature, we have regional advisory committees that work very closely with us in land-use planning—setting up certain zones, certain deferred zones, no-development zones—so that northern Ontario has basically a start of a major land-use plan and so that we have some guidelines to follow.

Over the years, pulp and paper companies in northern Ontario, along with the mining industry, moved in because of the nature of their work and their resource extraction and built cabins for mining work and for lumber work.

After their particular work and the extraction of the resource were completed, those buildings were sold to individuals without any claim, of course, to the land itself. The building was sold sometimes for \$50 or \$100. In many instances these were used just on a two-week basis. Some were used during the summertime or in the spring fishing and in the fall hunting seasons.

Areas on that specific lake might have been opened up through a formal subdivision plan, falling into the overall plans of the ministry and the plan for the land use. A subdivision was established, those were leased or sold according to the agreement of the times, and those people erected proper summer cottages, lived up to the proper health regulations, paid the normal provincial land tax, and constructed a proper road under our overall plan.

So there is a problem with people having the illegal use of Crown land. In some instances, these cottagers even pulled the cabins down to the shore of the lake, with no consideration for health aspects, and with no consideration for the general environment or the overall plan. We've been at this programme a number of years now to try to straighten up the matter.

**Mr. L. H. Eckel (Executive Director, Division of Lands):** I think it was 1969.

**Hon. Mr. Bernier:** I think it was before 1969, wasn't it? I think, as Mr. Eckel points out, it's against the law to use Crown lands illegally without proper permission. I think that's part of the law of the land.

**Mr. W. Ferrier** (Cochrane South): Yes, no one disagrees with that, not even the cabin owners.

**Hon. Mr. Bernier:** That's a philosophy. Moving ahead in this direction, I think it is fair to say that the biggest problem today lies in the Thunder Bay area, where we had many of these small cabins established. This is our biggest problem area and we want to clean it up. It's going to take a long time to do it because we're not using a really aggressive approach. I think last year we might have cleaned up 50 or 60 in the overall part of northern Ontario.

I brought with me some pictures that I would like to distribute to the committee, because there is some feeling that we're destroying residences. There's a feeling left—

**Mr. Foulds:** Have you got before and after pictures?

**Hon. Mr. Bernier:** —that these are two- or three-storey buildings, or permanent residences and they're not that at all.

**Mr. Foulds:** I've got some pictures too.

**Hon. Mr. Bernier:** These are buildings that are one-room shacks; they're in a deplorable condition. We go through all the various legal steps of trying to get the rightful owner. We contact him by personal contact. A registered notification is sent out to him that advises him of his illegal occupancy. He's given the right to remove it, to come in and talk to us, or maybe there is a plan in the area that we can work out. It may well be that if he moved the cabin or re-established somewhere else, we could give him a land-use permit.

In many instances—and we have this type of people in northern Ontario, many in my own community—people come in, they have no family, they have no friends but they get themselves a shack out on Crown land and that is their permanent home. In many instances we've given them a land-use permit on the condition that when they pass on, the building will be destroyed. They cannot pass that particular shack or that one-room living quarters on to someone else. And this has worked out very well.

But it's a programme that we haven't had. We're working on it. I'll just pass these pictures around just to give you an indication. These are the various reports that come in from the field. They are carefully looked at by the legal branch. I think you'll see from an examination of those photographs

that this is not the type of development that is conducive to good land-use planning or lends itself to the aesthetics of that beautiful wilderness area in northwestern Ontario.

**Mr. Chairman:** That's a picture of my home.

**Hon. Mr. Bernier:** The chairman says it looks like his home.

**An hon. member:** Oh, yes. It looks like Elie's new home.

**Hon. Mr. Bernier:** Elie's \$80,000 home? Where is he this morning?

Basically that is a summation of our efforts. As to the exact number, we really don't have an exact handle on the number of illegal occupations. It is something that has been growing and we've been trying to combat it over the years.

As to the number of land-use permits that have been issued, Mr. McGinn have you got an eyeball figure?

**Mr. J. McGinn** (Director, Lands Administration Branch): Mr. Chairman, I haven't got an eyeball figure on the number of land-use permits.

**Mr. Chairman:** Would you mind using the microphone for Hansard please?

**Mr. McGinn:** I haven't got an eyeball figure on the number of land-use permits, Mr. Chairman, but in this programme that Mr. Bernier spoke of, last year we disposed of 60.

**Mr. Foulds:** I think I'd like to say we don't dispute the necessity for strategic land-use planning in Ontario; there has never been a dispute about that. We understand the difficulty that you face in a number of cases.

I think there are two bones of contention, however. One of them is that surely to goodness, as you indicate, you can phase out these wilderness cabins when the current holder no longer needs it, or uses it, and we would even go so far as to say—

**Hon. Mr. Bernier:** As a residence.

**Mr. Foulds:** No, not as a residence. We would even go so far as to say, if he has been using it, as in some cases, for some 25 years—and in the case of Mr. Hobischuck and Mr. Baratta and his partners, for some 11 years with the knowledge of the local officials and with the tacit and verbal approval of them from that time.

**Hon. Mr. Bernier:** That is not my information.

**Mr. Foulds:** Yes, I'll read that into the record in a few minutes.

**Hon. Mr. Bernier:** Okay.

**Mr. Foulds:** Then, it seems to me that you are on shakier ground. We would even agree with you if they are a health hazard and they refuse to clean it up. That is legitimate reason for negotiating with the person and removing the cabin.

I wonder, before I get into the details of the case at Circle Lake, if you could give me an indication of the conditions under which a land-use permit is granted. You have given one indication where it is the person's permanent home. He has no other means of living and he has no other relatives and that's where he lives. Are there any other conditions under which you grant the land-use permit?

**Hon. Mr. Bernier:** I will ask Mr. Eckel, the director of the lands branch, just to elaborate on the details.

**Mr. Eckel:** The land-use permit is on a short-term lease, actually a one-year lease.

**Mr. Foulds:** Right.

**Mr. Eckel:** It is issued for a variety of land-use reasons. One, for example, would be for outpost camps of established tourist operators. The other would be in some areas for what we call fish and hunt camps, although in some cases this kind of use leads to problems in the sense that a man with this one-year occupation tends to develop proprietary rights to the area in which the camp is located and the area surrounding it. This leads to problems with the itinerant hunter coming in. He gets the impression that the guy has some sort of legal right to keep people off the area around his cabin.

Basically, it's for that kind of use that we use the land-use permit. If you are getting into something of a longer term, a more durable use, we then get into a lease—a full-blown contract to permit a person to occupy for a long period of time, again a substantial investment in the area. For example, the summer cottage; it is handled on a lease basis, the term being 30 plus two 10-year extensions at his option.

**Mr. Ferrier:** Have some of these cabins been trappers' cabins too?

**Mr. Eckel:** Some of them may have been, yes.

**Mr. Ferrier:** Do they get a land-use permit?

**Mr. Eckel:** No, the illegitimate trapper has not been given a permit. The cabin has been part of his trapping enterprise and we haven't authorized it separately. The existence of the trapping licence and the trapping area has permitted him to build this shelter, but we like to insist that the cabin be used in connection with a trapping enterprise and not have its use perverted to something else.

**Mr. Foulds:** And does the same condition apply to a mining claim that you authorize?

**Mr. Eckel:** Again, yes. If there are buildings, they should be in conjunction with the mining operation.

**Mr. Foulds:** Then I would specifically like to get to the case at Circle Lake, if I might. What is the zoning of the land there? Is it deferred zone or restricted?

**Mr. McGinn:** On this particular lake no camps were allowed to be erected.

**Hon. Mr. Bernier:** It is deferred zone.

**Mr. Foulds:** I think I would like to start by reading into the record, if I might, a statement by the four people involved with the cabin, so that the minister and the officials have their understanding of it. I have talked directly to these people and they are very genuine, sincere people. It is my understanding they have stated to officials that if there were a definite reason given to them for the use of the land by the ministry that necessitated their moving out they would be more than willing to do that. I think if I can read the statement into the record, it will give an overall understanding. You may dispute some of the statistics or facts in it, but this is their understanding of their situation. They say:

In 1962 we approached a senior official of the then Department of Lands and Forests, namely, Mr. Wally Jarvis, for permission to build a shack on Circle Lake. Mr. Jarvis consented, saying that there were many shacks built within the district now with his permission. His only stipulation was that we build back off the shore. Our main reason for requesting permission was that in previously walking through the area we found a sample of mineral in the rocks. We started construction of the building in 1962 and it was our intention to commence staking of the area at that time. However, due to

other commitments and lack of funds to pursue this interest, it was delayed until 1970.

May I remind the minister that in today's crisis of the fast depleting non-renewable resources, there surely is a definite need for the small prospector which has in the past been responsible for 80 per cent of the successful mines discovered in Canada. This was a statement made by Dr. Oja, mining consultant in Thunder Bay, in 1973 at the New Awareness of the North meeting in the North Shore Hotel.

As law-abiding citizens we have no intention of making a mockery of the law as you stated [I think they are referring to a statement that you made in the House, Mr. Minister, in reply to some of my questions] but if we can in our own way help promote the wealth of this country, then we fail to see the justification of this continual badgering by your ministry. In order to pursue a better understanding of prospecting we attended a mining school in 1972 and the last one held in the Lakehead in 1973.

We have always answered any and all correspondence, registered and otherwise, received from your ministry in a prompt and cordial manner. The last letter which was received from the division of lands, Toronto, signed by Mr. J. R. McGinn, director, was to the effect that further action, pursuant to the Public Lands Act respecting the building, shall be deferred at this time.

I have that letter here. You may, in fact, have sent them a further letter but they don't seem to have received it and certainly my information is that the last letter that they received says—I will read the entire letter, which is to their lawyers, Dubinski, Whent, Kovanchak and Ferris:

Feb. 14, 1973

Dear Sirs:

Re: Mining Claim TB288485—Circle Lake—Mr. D. Hobischuk

A copy of your letter dated Jan. 22, 1973, respecting the above mining claim has been received from the district forester, Thunder Bay, Ontario. Having regard to the current mining claim TB288485, instructions have been issued to the district forester to the effect that further action, pursuant to the Public Lands Act respecting the building, shall be deferred at this time.

If I interpret that letter correctly, that means you are going to allow the cabin to stay, and it is my understanding they have not been contacted since that time. I'll go on with the statement they've given to me.

There was no further correspondence, or notices, after Feb. 14, 1973 last. Then, on March 14, 1974, the day after the burning of the camp, Mr. Hobischuk received an anonymous phone call saying the camp was burned. On March 15, 1973, Dennis Hobischuk and the president and secretary of a conservation club, viewed the remains of the building and found half the contents were removed and the other half burned in the fire.

I, too, have some pictures of the remains. They go side by side, but there is a slight gap between them. I think they wrote as if they were speaking or writing directly to the minister. It continues:

In your statement made in the Legislature you make reference to discovery of the shack in 1969. I would like to bring to your attention that a local conservation officer, namely Mr. Bernie Wall, had occasion to be there several times in the years prior to this date. He made use of the building, and at that time he requested the key so that in case he became stranded in the course of his duties he would have a place to stay; to which we gladly consented.

May I refer the minister to the letter dated June 13, 1973, in which—I think it's Mr. Walsten, the mining inspector—and Mr. Greene of the division of lands, and Mr. Baratta went up to inspect the claim and assessment work. The inspection showed the claim to be satisfactorily staked and the assessment work passed.

They referred to the other matter, which I don't particularly want to get into, but I'll read the whole thing.

Further to the statement you made in regard to Mr. Lankinen's plight in the Falling Snow area, you stated that your ministry would bend over backwards to accommodate any legitimate use of Crown land and that he would be granted a land-use permit providing the building was back the required distance. Why were we not extended the same privilege as his summer cottage instead of burning us out? We, the following partners of claim TB288485, 1970, and second recording 1972, TB34969, Dennis Hobischuk, Donny Hobischuk, Alexander Pilot Jr., Frank Baratta, feel a great injustice has been dealt to us.

All four of them have signed it. Do, you want me to pause there?

Hon. Mr. Bernier: No, no. Go on.

Mr. Foulds: In regard to the business of the actual burning and the removal of the movable effects, I have a list that they were able to make up. I agree that some of it's from memory and, perhaps, not 100 per cent reliable, but this is their list of the material that they found had been removed:

One propane fridge; one propane stove; one ice fridge; one oil burner; one table; three chairs; three propane tanks, 100 lbs each; eight cases pop; nine containers gas, 69 gal; one container of ours used to start the fire, approximately 7 gals; six containers fuel oil; one case motor oil; one tool box with tools; three shovels; one pick; one bar; two cups; three fire extinguishers [Three fire extinguishers; that's rather ironic]; one container kitchen utensils; assortment of clothing; three buck saws; one power saw; one clock; assortment of blankets; four barrels, one wood box; two axes; two rolls copper pipe; one flashlight; two hand saws; one Coleman lamp; two claw bars; one hand lantern; one mop pail.

That's what was removed. What disturbs me is the list of stock that could have been removed and was not.

As far as they can determine in their memories and in their list supplements, the list of contents that was burned:

Six bed bunks with mattresses; one coffee table; 10 sheets of  $\frac{3}{4}$  in. plywood; one flashlight; two propane wall lights; 50ft of  $\frac{3}{8}$  copper tubing; five  $\frac{3}{8}$  copper tees for the connections; two  $\frac{3}{8}$  copper gas valves; two 7-in. stove elbows; one 7-in. stove damper; four 7-in. stove pipes; one steel cooking grille; one floor mop; two house brooms; two dustpans; one barbecue; two rolls of paper; one wall paper hanger; one carton of toilet paper; six gallons of gas; three cases of pop; two cupboards; one sink; one sink; 25ft of hose; some food which they estimate at a value of \$50; dishes, cups and utensils which they estimate at a value of \$45; two chairs; 20 lbs of nails; one cast iron wood stove; two 6-in. stove elbows; five length 6-in. stove pipes; four hasps; four heavy-duty locks; 10 8 x 10 glass window panes; one Coleman stove; one coal oil lamp; toasters; 200 blasting caps; 200ft of fuse for blasting; pot and chip strainer; one wash basin; one block and tackle; first aid and medical supplies; one radio aerial; fiberglass cloth; one gallon fiberglass; two gallons

of timber locks; four 3-in. paint brushes; two gallons of paint; one hammer; two chainsaw blades; one wristwatch; one crib board and cards; one vice; three length 2-in. ABS pipes, 20ft long; 25 8ft two by fours; three mops; one compass; three butcher knives; one kettle; one pair of rubbers; one roll of roofing paper; one clawbar; one large stainless steel ashtray; mantle and jets; one set rosary beads plus cross; three Sunlight soap; one scrub brush; one pillow; one miner's report chart; one Ski-doo belt; two quarts of oil; 50ft of rope; six toothbrushes; two tubes of toothpaste; two sheets of asbestos fireproof sheeting; two sheets tin fireproofing; six 6-volt flashlight batteries; three bars of face soap; three boxes of laundry soap; six chain saw files; parts of chain saw; two cans of gasket glue; four coils stovepipe wire; one wall can opener; work permits; two expensive copper cups; five containers of fibergalss hardener; two tins of liquid aluminum; some window screening which they estimate at a value of \$20; 10 unbreakable drinking glasses; four pairs of sunglasses; and reading material.

There is a little note here to me it says: "Mr. Foulds, if the building was dismantled those who burned the cabin would have a proper inventory as many articles were hidden in the rafters and walls."

I can only conclude that in fact there has been a giant mistake here. It was one of those incidents which was badly handled by your ministry. It was done precipitously. All the communication with Mr. Hobischuk, Mr. Baratta and Mr. Pilot indicated to them, up to the date of Feb. 14, 1973, that they would be allowed to continue. I won't read into the record here the letters that they have from the—oh, I think I will, if I might.

The letters that I have start with the date of Aug. 22, 1972. This one is addressed to Mr. Hobischuk, 326 W. Mary St., Thunder Bay:

"Dear Sir: We have today recorded 69 days' assessment work (manual) on mining claim TB288485. Yours very truly."

It's signed by R. M. Charnesky, mining recorder, July 30, a record of 28 days on assessment work; Oct. 10, 73 days on mining claim TB288485 and 50 days on mining claim TB349769, with a sketch map of the property. There is a letter, dated June 25, 1973, signed by Mr. Baxter, the regional director, which says:

An inspection of the assessment work on your mining claim TB288485 was recently carried out. Please find enclosed a copy of

inspection report 73-51, which is self-explanatory.

The assessment work that has been reported to date was found to be satisfactory. Several discrepancies in staking were noted and these must be corrected.

An order of the mining recorder related to these discrepancies is attached. Please note that notification of the correction of these discrepancies will be required in this office on or before Aug. 20, 1973.

The report by Mr. Poutanen, the mining recorder, is attached. There is a long letter from Mr. Walsten which was referred to in the statement. I'll just read a part of that:

During the inspection, the writer [who is Mr. Walsten, the mining claims Inspector], was accompanied by Mr. Frank Baratta of Thunder Bay, representing the Hobischuk interests and by Mr. Sam Greene of the lands administration branch of the Ministry of Natural Resources.

The inspection showed the claim to be satisfactorily staked with the claim lines well defined and easily followed. The immediate area is of low relief and a considerable portion of the claim is overlain with wet muskeg and cedar swamp. No outcrop was noted either within the claim perimeter or general vicinity.

There were some posts that were fading and they had begun to re-mark those with ink marking pencil.

The indication was that the work was proceeding satisfactorily. Two buildings are situated on the claim and this gets to the matter of the two cabins you showed us. It wasn't a luxurious three-room cabin; there's no question about that. It does say, "The main cabin measures approximately 18 ft by 20 ft and is of chipboard and 12-in. plank siding construction." It is fairly substantial yet quickly dismantled because chipboard is not that difficult to smash.

The letter says "See attached photo" but unfortunately, the attached photo is not with me. I imagine it was included in the mining inspectors' claim. It goes on:

The auxiliary building, which appears to be a storage shed, has approximate dimensions of 6 ft by 7 ft. The main cabin is located some 60 to 65 ft from the shore of Circle Lake.

I suppose what I want to know and what Mr. Baratta and Mr. Hobischuk and their interests want to know is why did you do it? It was your order.

**Hon. Mr. Bernier:** If I may comment, Mr. Chairman, when this matter was raised in the Legislature, I believe it was on a Thursday—

**Mr. Foulds:** I raised it on a Tuesday. I have the date here.

**Hon. Mr. Bernier:** I replied on a—

**Mr. Foulds:** It was the 23rd when you were absent; I asked the Provincial Secretary for Resources Development (Mr. Grossman). He referred the question to you and you answered on Thursday, April 25.

**Hon. Mr. Bernier:** Right. Going back to my office, I asked for a full investigation of all the facts. We got a report which I tabled in the Legislature on the Thursday and in the course of that day additional information was provided us which was contrary to what I had originally said.

I corrected my statement in the Legislature because I certainly didn't want to mislead the House with the earlier information I had given.

Since then I have asked my assistant deputy minister at Thunder Bay to conduct a full-scale investigation. I want to make it very clear that while we are moving in an effort to clean up the Crown lands—it is not that ambitious a programme—we have issued instructions—and instructions are tabled—which have gone out to all the regions, all the districts, that they are not to burn a building down. They are to dismantle it. They are to salvage the usable materials. Any personal effects must be taken out first, of course, and properly protected. That's after all the legal ramifications have been gone through.

Everything is protected and we are not going out burning down buildings just for the sake of burning down buildings. It is very distasteful to me and I don't think it is the correct way of doing it. No matter what we tear down, in many instances there is some salvageable material that could be used by the owner. That was reiterated as recently as about 10 days ago, and brought to their attention again, but it follows an earlier directive that went out to all the districts.

I have to say to you, after listening to the report and after reviewing these photos, I am not convinced that our staff acted according to that directive. Following Mr. Ringham's investigation, if it indicates that we did make a mistake—and based on these pictures and on the information I have to this point in time, I think we did; I think somebody is at fault here—we are prepared to make restitution. I think we ought to make

that very clear. But before making a final and firm decision, I have to wait for Mr. Ringham's report. Possibly he would like to elaborate just a little further as to where it stands and when we can expect it.

**Mr. L. Ringham** (Assistant Deputy Minister, Northern Ontario): Mr. Chairman, I have the written reports. I haven't had a chance to interview personally the staff involved because of the estimates being on this week and my being down in Toronto. I intend to do that next week. The points that have been raised this morning by the member, Mr. Minister, are news to me.

The staff in their reports indicate the OPP officer was taken along with them to keep an accurate record, to take the inventory of material that was salvageable and put aside. I would like to get a copy of the list that Mr. Foulds has presented this morning, so I can check it, because I haven't gone into that matter. That's an entirely new thing. And that will just delay things a little further.

**Hon. Mr. Bernier:** So I make that firm commitment to you.

**Mr. Foulds:** Sure. I think that we all understand. I find this somewhat distasteful myself, because my relations both with yourself and the local officials have always been very good. Nevertheless, if a giant mistake has been made and an injustice has been done, I think it is important that we right it.

Mr. Ringham, do you have the information about the correspondence or whether there were any notices sent out subsequent to Feb. 14, 1973?

**Mr. Ringham:** I haven't, Mr. Foulds. I'll have to check into that matter too. It was news to me that they didn't get the letter that we claim they did get.

**Mr. Foulds:** That, of course, can be sorted out through whatever channels are necessary and so on.

**Hon. Mr. Bernier:** We can work very closely on this with you if you wish.

**Mr. Foulds:** I think with your commitment and with the obvious commitment of the assistant deputy minister in northern Ontario, that the matter will be pursued and, of course, I know that you will be keeping in touch with me if I don't keep in touch with you.

**Hon. Mr. Bernier:** Justice will be done. I can assure you of that.

**Mr. Foulds:** Thank you very much, Mr. Minister.

**Mr. Chairman:** Mr. Ferrier.

**Mr. Ferrier:** I have two or three items that I want to consider under this vote. The first one concerns an advertisement that appeared in the Globe and Mail on April 29, 1974; and I have since seen it in the Financial Post and one or two other papers. It reads:

INVITATION TO TENDER TO LEASE THE  
MINING RIGHTS OF CERTAIN LANDS IN THE  
DISTRICT OF TIMISKAMING FOR A  
TERM OF 21 YEARS

The Ministry of Natural Resources invites tenders for the privilege of leasing the mines, ores, minerals and mining rights in upon and under those lands in the township of Coleman designated hereunder as parcel "A," containing 40 acres, more or less, and parcel "B," containing 35 acres, more or less, which lands may be more particularly described as follows:

And it goes on to list the lands.

TERMS OF LEASE

The lease will be of the mining rights only for a term of 21 years from June 1, 1974.

The rent for the first year will be the amount of the tender accepted and for each year thereafter \$1 per acre per annum. In all other respects the lease will contain the same terms and conditions as the standard mining rights lease issued pursuant to section 104 of the Mining Act.

Is this a new policy to call for tenders for leases of mining rights? Does the ministry consider 21-year leases are justifiable in view of the looming shortages in non-renewable resources and the need to tie our mineral production planning into an overall industrial strategy for Ontario? If minerals are found on the leased land, do you have any right under the lease to engage in a joint venture with the owner for the development and processing of these minerals? Perhaps you could fill me in on that whole matter.

**Hon. Mr. Bernier:** This is not a new situation. It develops periodically. What happened in this particular case has happened in other cases. In a very highly mineralized area where there is extreme interest and one or two claims are forfeited because of non-payment of the mining taxes, then normally the case

would be that on a specific date and time those would come open for staking, which would be 12 midnight, I think. We could set the time actually, but the normal time for claiming—

**Mr. McGinn:** It is gazetted, Mr. Minister.

**Hon. Mr. Bernier:** —is gazetted. At a specific time then, the claims are open for staking. In this particular case, we had two claims that came up for forfeiture. They had reverted back to the Crown. There was extreme interest in that particular area and we felt that putting it out for tender would stop any mad staking rush. How do you have 15 people starting out at one particular time and then going into litigation and swearing that "I was there two minutes ahead of you or one minute ahead of you"?

**Mr. J. E. Stokes (Thunder Bay):** You get another Texasgulf.

**Hon. Mr. Bernier:** Another Texasgulf, right. We put it up for tender and it sold on that basis. We have had experience in the past where we have just thrown it open for staking and it has caused more problems and more litigation, which is really unnecessary. This is a policy which was established and used on many other occasions.

**Mr. Ferrier:** It is just used when there is this great interest in a particular area and you think there's going to be a real bunch of competition.

**Hon. Mr. Bernier:** A lot of competition, that's right. I think I have put on the record that 60,000-odd acres of mining lands had been returned to the Crown last year. Of those 60,000-odd acres, these are the only two claims that we had some concern about. The others are just thrown open, and if somebody wants to stake them, fine. Where there is that very keen interest, and high mineralization has attracted many of the mining companies, we felt this was the fairest way to do it and we followed the precedent established some time ago.

**Mr. Ferrier:** How widely then is this publicized? I notice the *Globe and Mail* and the *Financial Post* had it.

**Hon. Mr. Bernier:** The *Northern Miner*, too, and local papers. We try to give it as wide publicity as we can. The mining interests are watching us very, very closely because they are very much aware of it. Anybody who's in that area or who is interested is knowledgeable of when these claims come

due and when they're forfeited. It's all presented and it's given wide publicity.

**Mr. Ferrier:** It's kind of an expensive way but I suppose it's maybe the only way you can do it.

**Hon. Mr. Bernier:** When this came to my attention, I looked around for a precedent. The precedent was brought to me and the first question I asked—the same as you are doing—is there another route? Is this the proper way to go or do you have any other suggestions? After re-examining and going through it, I had to agree with the staff that this was the way to go.

**Mr. Ferrier:** That deals with that matter. Can we discuss cottage subdivisions in this vote or is that in the next vote?

**Hon. Mr. Bernier:** This is the vote.

**Mr. Ferrier:** I don't think that there are too many cottage lots available up in my riding. Maybe I should have done a little more research on the matter than I have, but I remember two years ago having some interest myself and making some inquiries. It was about a year and a half later that the particular areas on Sewell Lake and Timagami came up for what I think was auction under those conditions. There is quite a bit of interest in that area, and because of the stronger economic situation people are looking more for cottage lots. We hope that with the right pressure being exerted we will have additional facilities from Texasgulf.

Have you any idea if there are any more areas being opened for subdivision in the general vicinity of Timmins or would that have to be obtained from the local people?

**Hon. Mr. Bernier:** I have got some information here, but I don't have any on that one.

**Mr. Ferrier:** At the time, maybe I overestimated the need, but I don't think that what was available was really going to adequately meet the demands that we have there for cottage lots.

**Mr. Stokes:** You can never overestimate the need.

**Hon. Mr. Bernier:** This is true.

**Mr. Stokes:** You can never keep up.

**Hon. Mr. Bernier:** I think it is fair to say that we are reviewing our overall policy with regard to summer cottage subdivisions. We are looking for a new policy that will open up much more of the available lands.

I think it is fair to say that when the new health restrictions came in, we did have plans for the development of many summer cottage sites, but because they informed us that we had to have x number of square feet of top-soil, 60 in. deep, this wiped out actually hundreds and hundreds of summer cottage lots. Some of them we'd even gone so far as to have surveyed.

We are going back now to the Ministry of the Environment with the idea of allowing a dry-toilet operation with a water pail. I think it is fair to say that there are many people in northern Ontario who are not anxious to have a running-water, septic-tank summer cottage operation. They want a place to go with their families. They are willing to put up with a few hardships. I think it's a direction we should be moving in, providing there is sufficient soil, of course, because you can't put it right on top of bedrock. But I think there is room for this type of an operation.

As to the leasing aspect, the system we have now is not like the old system, where we used to give title in fee simple, where they had total control and they could get the summer cottage lots patented. Then we lost control. But now that we have the leases, and because the Ministry of Natural Resources does the assessment for the provincial land tax for the Ministry of Revenue, we go back every three years.

One of the recommendations is that we should inspect these cabins every three years when we do the assessment and look at the lease and the agreements of the lease. If the lease says it is a dry toilet with a water pail operation, then it must remain that way or we cancel the lease. And that will be a condition of the lease.

That is one of the ideas we are thinking about, and we are moving ahead on it. I have spoken to the Minister of the Environment (Mr. W. Newman) and to the Treasurer and Minister of Economics and Intergovernmental Affairs (Mr. White), and I think I'm getting fair acceptance for that programme, which would release a number of cottage lots for us.

It's interesting to note, as the staff has informed me, that about 11 per cent of the families in the Province of Ontario have summer cottages. We have set ourselves a goal of about 500 new cottage lots a year across northern Ontario, and I think I would have to say that we will have difficulty in meeting that goal because of the requirements of the Environment and Health people.

**Mr. Ferrier:** I notice that there is always a move to develop lots in the south on a private basis and through your ministry, but while we are surrounded by wilderness and lakes and some really ideal outdoors, yet we need the surveying and the lots to be made available to us, too. People with families just don't go out and camp in the wilderness. They like someplace where they can take their families and get away from things on the weekend and enjoy the good weather when we get it.

**Hon. Mr. Bernier:** Well, I know I'm very attached to my own summer cottage. In fact, I've said on many occasions that I'd sell my home before I'd ever sell my summer cottage lot. You know, I feel that warm to it. I'm really attached to it.

(The member for Thunder Bay might be interested in this list of—

**Mr. Stokes:** I keep asking to be brought up to date on the subdivisions that are coming available. Each time somebody in your ministry makes a commitment to me, he gets transferred.

**Hon. Mr. Bernier:** Well, I have a lengthy list here. Let's have a look at it if you want. I can send you a copy. I don't have anything for the northeastern part, but I'll make sure I get it for you.

**Mr. Ferrier:** My other point is that—I gather that mineral title men now can go into most of your offices to record a mining claim and this type of thing. How is that working out?

**Hon. Mr. Bernier:** It's working out very well, but I would have to say to you that you can't go into every one of our 49 district offices in northern Ontario and record a claim. Our recording offices are still the same. But the mining land branch has been broadened to take in somebody in every office of the Ministry of Natural Resources who is knowledgeable in mining land problems and can give direction. That is something we didn't have before, because you used to have to go to a specific office of the old Department of Mines and Northern Affairs. Now that has been changed. We have trained—how many people now, Mr. McGinn?

**Mr. McGinn:** There are about 34 more people and the service is now available in 21 more offices than before. There are 32 more people who have been trained in the past year.

**Mr. Ferrier:** That is certainly commendable.

**Hon. Mr. Bernier:** The mining industry I might say, while it did express some concern about a year ago that we were downgrading the mining recorders have very jubilantly advised me that they are most pleased with the direction we've gone. In fact they even bestowed on us some glowing remarks at the recent prospectors and developers convention.

**Mr. Ferrier:** We are glad of that. The other issue that is under this vote apparently and I am not terribly well versed on it, is the whole area of pits and quarries. I believe that comes in here.

**Hon. Mr. Bernier:** Yes.

**Mr. Ferrier:** I have to be a bit parochial again. I guess you don't have the same kind of standards up in my area as you do up in Caledon and around there, but are the old quarries, old pits, just left as they are? Maybe the gravel and sand have been taken out some years ago, are the pits and quarries just left as they are, or is there any regulation to upgrade them? Is this the responsibility now of the Crown or just what is the situation? One or two I can think of are probably right within the city boundaries now.

**Hon. Mr. Bernier:** Yes, that is a very good point and it is something that I'm personally concerned with because we have a responsibility in this ministry to control, maintain, protect the Crown land of the Province of Ontario.

In southern Ontario as you well point out we've brought in the Pits and Quarries Control Act, which controls the rehabilitation of pits and quarries on private lands. But we as a ministry have the responsibility on Crown lands and, of course, much of our Crown land is in northern Ontario.

Pit and quarry licences, quarry permits, are given through the mines division on Crown lands. There is a royalty charge—15 cents, is it?

**Mr. McGinn:** Mr. Chairman, 15 cents a yard.

**Hon. Mr. Bernier:** Fifteen cents a yard is charged to the individual obtaining aggregate from Crown lands. That goes into the consolidated revenue fund and this year in this vote we've increased our funds for the rehabilitation of these gravel pits on Crown lands by another \$50,000. So this year we have \$102,000 for the rehabilitation of those ex-

hausted gravel pits on Crown lands, and we've rehabilitated several in the last two years. I think we've done some in the riding of the member for Thunder Bay.

**Mr. Stokes:** Out of the royalties?

**Hon. Mr. Bernier:** There is a relationship, yes. But we just can't earmark funds again.

**Mr. Ferrier:** What do you mean by rehabilitation?

**Hon. Mr. Bernier:** It is a breaking down of the banks, placing of top soil and making the whole area aesthetically acceptable, even going so far as to plant trees so that the whole area blends into the landscape. We've done—

**Mr. Ferrier:** Nice job.

**Mr. Stokes:** Yes it is a nice job.

**Hon. Mr. Bernier:** Yes, they do a really good job and it is a very interesting programme. It is something I think we can all look to as the first step in cleaning up many of the devastated areas in northern Ontario, really.

**Mr. Stokes:** It discourages people from dumping garbage too.

**Hon. Mr. Bernier:** Yes, I might say in this step too, we are tightening up in the allocation of those quarry licences. Before when they used to build a highway every quarter mile there was a gravel pit. That has got to stop. There is going to be a main central gravel pit and they can haul a little further, rather than devastating the whole countryside when we have to go back and rehabilitate it. So we are spreading those areas out further. We are not just grinding out permits on a helter-skelter basis as we were before.

**Mr. Ferrier:** I wonder if you could get some information for me? There is a gravel pit on Highway 101, I think it is within the city of Timmins but it is around 15 or 20 miles out of Timmins. Perhaps your officials could drop me a letter on it if there are any plans to rehabilitate the area.

**Hon. Mr. Bernier:** The one problem—if I might interrupt here—is that some of these areas are private lands.

**Mr. Ferrier:** So there is nothing that can be done.

**Hon. Mr. Bernier:** Nothing that we can do.

**Mr. Ferrier:** You haven't got regulations applicable to them in our area yet.

**Hon. Mr. Bernier:** That's right. Even in southern Ontario the Pits and Quarries Control Act is not retroactive. In other words if a new pit is established today, on the day we designate that township, that is the date the rehabilitation would start, from there on in. We can't go back, because there are 14,000 abandoned gravel pits in southern Ontario alone. Many of them, in fact nearly all, are on private lands. If we rehabilitated those I don't know how we would justify using public funds to rehabilitate private lands. You'd just increase the value for the individual who owns it.

**Mr. Ferrier:** Four or five years ago, I raised with the then Minister of Lands and Forests (Mr. Brunelle) a situation that developed outside of Matheson whereby a gravel pit was built right near a lake; and it wasn't too long after all the gravel was taken out that the bank broke down and the water ran out of the lake into the gravel pit and the lake was ruined. Nothing can be done about that now, I don't suppose, but I would hope you do have regulations that would make sure that kind of thing doesn't happen again.

**Hon. Mr. Bernier:** Yes, we do. We are really tightening up on issuing gravel pit and quarry permits.

**Mr. Ferrier:** I have no other items here.

**Mr. Foulds:** I wonder if I could just interrupt for a second on this specific point, and this is perhaps beyond your purview; but talking of all those private lands, do you know if the municipality affected has the right to pass a local bylaw?

**Hon. Mr. Bernier:** Yes, they do.

**Mr. Foulds:** They do.

**Hon. Mr. Bernier:** They do, yes. Under the Municipal Act, they can, if they have an official plan. Now that is the hooker.

**Mr. Foulds:** I see.

**Hon. Mr. Bernier:** If they have an official plan they can pass a bylaw. If the area is designated under the Pits and Quarries Control Act, then that Act supersedes all the municipal acts and bylaws.

**Mr. Foulds:** I see.

**Hon. Mr. Bernier:** It is our goal, as I said in the Legislature just the other day, to desig-

nate all of southern Ontario and the major urban areas in northern Ontario. I would say to you that Thunder Bay would be one of those areas, as will Sudbury.

**Mr. Foulds:** Yes; and they have an official plan too?

**Hon. Mr. Bernier:** Yes.

**Mr. Foulds:** I know there will be areas surrounding that you will need to cover.

**Mr. J. Root (Wellington-Dufferin):** Mr. Chairman, on the Pits and Quarries Act, is all of southern Ontario under that?

**Hon. Mr. Bernier:** No, we have 123 townships that now are designated. These are, to a major extent, the areas where the industry is presently operating.

**Mr. Root:** I mean the Act covers gravel pits all through the townships.

**Hon. Mr. Bernier:** Yes; the main problem areas, so to speak, are all designated now, and we are moving in to designate the other areas.

**Mr. Root:** And you have no way of rehabilitating abandoned gravel pits on private lands?

**Hon. Mr. Bernier:** Not retroactively we don't, no.

**Mr. Root:** Did I understand you to say the municipality could pass a controlling bylaw; can they require that a fund be set up to rehabilitate these areas?

**Hon. Mr. Bernier:** Yes, they can; but once the Pits and Quarries Control Act is applied then that will take over, so I wouldn't really encourage any municipality to go that route because we will be into it very shortly.

**Mr. Root:** You will be into it.

**Hon. Mr. Bernier:** We will be doing it.

**Mr. Root:** You are aware of it.

**Hon. Mr. Bernier:** I think it is fair to say that the municipalities asked the province to take this responsibility because of the application of uniform regulations and laws. There was a feeling that you would have one area competing with the other, one municipality perhaps more stringent on the rehabilitation laws and the demands for a rehabilitation bond higher in one area than the other; and of course the competitive aspect of it would be severe.

**Mr. Root:** I think we are going in the right direction. I would put it at the provincial level because there are certain areas in my area, as you are aware, where people who are not normally resident want to tell the local company what it should or shouldn't be doing.

**Hon. Mr. Bernier:** Yes, I am well aware of the areas.

**Mr. Chairman:** Mr. Newman.

**Mr. B. Newman** (Windsor-Walkerville): Mr. Chairman, I wanted to ask the minister about the Pt. Pelee dredging situation, the sand sucking operation. Has that been resolved?

**Hon. Mr. Bernier:** I think I made a statement in the Legislature that I would not reissue those licences under the Act.

**Mr. B. Newman:** Well it is not your intention to reissue licences.

**Hon. Mr. Bernier:** No, I have no intention to do so.

**Mr. B. Newman:** You are not rethinking anything?

**Hon. Mr. Bernier:** No, not at all; except—

**Mr. B. Newman:** You are just saying: "No licences; no more dredging."

**Hon. Mr. Bernier:** That's right, that's what I said. Under the Act the licensee of course has a right of appeal. But that right of appeal is now going to be heard before the mining lands commissioner, I think, in the area. I think it is sometime this month.

**Mr. Eckel:** May 27.

**Hon. Mr. Bernier:** May 27. At that time the licensee will have the opportunity of presenting his arguments. We will present ours and any individuals who wish to do so—

I think the environmental law association is one—will be there to present their case.

**Mr. B. Newman:** I am glad to see you have stopped it up until the time of the hearing and given the individuals who have been affected the right of appeal. I think it is the proper procedure.

Has the minister considered giving authority to the conservation authority to control any dredging in waterways like that, because it really does have an effect on the shoreline and the conservation authority, being involved in that, would be well equipped to handle it? I don't know if there is merit in that.

**Hon. Mr. Bernier:** It's a very complex issue and my feeling is it is one we should watch very carefully. There are not that many instances of dredging in the lakes. With the complexity of the issue itself, I wonder if the conservation authorities would have the expertise within their group to make those judgements.

**Mr. B. Newman:** I don't know. There is nothing in my area which would be affected by it. Having a conservation authority for the first time I thought maybe there could be another responsibility thrust upon it, but if it's too complicated for it—although looking over the representatives on the conservation authority, I think they have the expertise all right. Thank you, Mr. Chairman.

**Mr. Chairman:** We will now adjourn until—

**Hon. Mr. Bernier:** Are there any more to speak on this?

**Mr. Chairman:** Yes, Mr. Stokes.

**Hon. Mr. Bernier:** He has some more?

**Mr. Chairman:** Yes. We will now adjourn until Monday, after the question period.

The committee adjourned at 12:25 o'clock, p.m.

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